

***Joint Meeting of the MD DNR Sport and
Tidal Fisheries Advisory
Commission Meeting***

Tuesday,
January 12, 2010

Sponsored by the
Maryland Department of Natural Resources
Annapolis, Maryland

Held at the
Phillip Merrill Environmental Center
Chesapeake Bay Foundation
Annapolis, Maryland

***Maryland DNR Sport Fisheries Advisory Commission
and Tidal Fisheries Advisory Commission
Joint Meeting***

January 12, 2010

SFAC Members Present:

Jim Gracie, Chair

Larry Coburn
Bill Goldsborough
Neil Jacobs
Greg Jetton (*proxy for Ed O'Brien*)
Val Lynch
David Sikorski
Dave Smith (*proxy for Bill Windley*)
Roger Trageser
Brandon White
James Wommack

TFAC Members Present:

John Brooks, Chair

Mike Benjamin
Russell Dukes
James Gross
Brian Keehn
Greg Price
Lawrence Simns
John Van Alstine
Chuck White (*proxy for Andrea Jacquette*)
Richard Young

Maryland DNR Fisheries Service

Marty Gary
Tom O'Connell

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KEYNOTE: "---" indicates inaudible in the transcript.
"*" indicates phonetically spelled in transcript.

E V E N I N G S E S S I O N

(6:18 p.m.)

Welcome and Announcements*by Marty Gary*

MR. GARY: Welcome to the joint meeting of the Sport Fisheries and Tidal Fisheries Advisory Commissions meeting. Agendas were available for the public when they came in. You should have yours in the folder. It is not the fancy folder you are accustomed to, but it is a temporary situation while we have some slides coming in.

The two commissioners tonight, Jack Brooks of the Tidal Fisheries Commission and Jim Gracie for the Sport Fisheries Commission, have discussed it, and Jack Brooks will be the facilitator for tonight's joint meeting.

There is an opportunity for public input. If you have seen your agenda, it is toward the end. If there is a vote, just so everybody knows if you are new to our meetings, and we encourage the public to attend, if there is a vote, before a vote actually occurs, there will be an opportunity for public input at that time as well.

We do have a full agenda as we often do. Before we get started, I just want to mention a couple of items we put in front of you commissioners.

The 2010 guidebook, half a million copies are produced every year. They have been distributed to the point

of sale agents who sell licenses --

I think we are ahead this year. Rick Moran was here, in fact, our staff member, and Rick, kudos to you and the folks who work with you. You did a great job working with a litany of comments that came in, got that all in order, including the commissioners' input.

We also have -- I think a lot of you know the National Saltwater Angler Registry launched on January 1st, so we have three or four hundred thousand of these brochures. We have already distributed some of these to tackle shops, and we are going to have those out at the Timonium fishing show, which starts Thursday; also the booklets.

On the back of that, what is notable is we have that in Spanish. Several of the agents told us that would be helpful because they have a growing Hispanic clientele. So the back of that is in Spanish so folks will also know about the registry. It is free this year. I think Tom might say a few words about it.

Other than that, I think, Jack, we are about ready to go. I was listening to Jim's talk about weakfish. I hadn't planned it, Bill Goldsborough and I were trying to get the electronics figured out. He asked about a jump drive and I pulled one out of my briefcase, and realized this picture of my daughter from 1996 was in there on the jump drive.

So that is from 13 years ago, and that is about a

seven- or eight-pound sea trout caught off Point Lookout. She is now a freshman in college now.

Anybody who remembers back to the late '90s, mid- to late '90s, how great the weakfishing was on the Chesapeake Bay. I think what Jim was talking about tonight is really important.

So Jack, without further ado, I am going to turn it over to you.

Approval of Agenda

by John Brooks

MR. BROOKS: Okay. Thanks, Marty. It looks like we have a full agenda tonight. First of all, we need approval of the agenda. Tidal Fish members, have you guys had a chance to look it over, and does the agenda work for everybody?

We are not going to have a whole lot of time tonight unfortunately for public comment about too much. We have got 10 minutes penciled or inked in at the end of the meeting. But is the agenda agreeable with you?

MR. : Yes.

MR. GRACIE: Sport Fish commissioners?

(Nodding of heads)

MR. BROOKS: Thank you. Also the November meeting summary that all the members should have a copy of, is that agreeable with everybody? I assume everybody has gotten a mailing or an e-mail of that.

(Nodding of heads)

MR. : I would assume we would have had comments if there were any issues. Is that correct?

MR. BROOKS: Okay, well, we will move on. Our NRP Report, Nick Powell.

MR. GARY: Nick, before you go, just one quick announcement. Regarding motions tonight, with the electronics, ordinarily we hook up and we are able to type that out for everybody but it was going to be a little bit tough to work that out.

So what I am going to do is I am going to go ahead and type it on my laptop, and then I am -- it might slow the process down a little bit, but I am going to read it back.

Our court reporters tonight, by the way, Lisa Burns and Laura Jackson, are our court reporters tonight. This is the first time they have covered this group. So if that happens, the motions will be captured there, but I am going to repeat it. Just wanted to make sure everybody understand how the process plays out.

All right, go ahead, Nick.

NRP Report

by Lt. Nick Powell

LT. POWELL: Okay, I gave a presentation to the Tidal Fish Commission. I have this report to pass around. Apparently Sport Fisheries hasn't had one since August. I am

just going to go over the highlights from November, and if you have any questions you can call me. My cell phone is (443) 480-2900. I answer it just about all the time.

MR. : Could you repeat that?

LT. POWELL: (443) 480-2900. That is my work cell phone.

Starting off with general tidal fish. Beginning in November, Worcester County had numerous citations issued in the Ocean City area for undersized fish. Striped bass, November 9th and 10th, Calvert County had some special patrols conducted around the Calvert Cliffs and the LNG platform, and they had some violations of untagged fish.

On the 21st and 22nd of November, Dorchester County had some undersized and after-hours striped bass violations for the hook and line season.

Oysters: Talbot and Queen Anne's County had numerous violations in the waters there for undersized oysters. On the 19th of November, St. Mary's County, they got a waterman with 13 percent undersized oysters in the St. Mary's River. The next day they got a waterman for 17 and 15 percent undersized oysters.

On the 2nd of December in Dorchester County, an oyster diver was cited for harvesting oysters in reserve and had eight bushels that were returned to the bar.

Somerset County, on the 6th and 7th, they had a guy

in Crisfield, unculled oysters and undersized. There were some undersized in the Deal Island area.

On the 7th of December, Dorchester County officers issued 19 citations for over-the-limit oysters, and 31 bushels of oysters were seized. On the 8th in Somerset County, an oyster saturation patrol was conducted and three warnings were issued for undersized oysters.

On the 12th, or 10th, Somerset County, a Talbot County waterman was charged with dredging in a restricted area and charged with unculled oysters at 23 percent and in Tangier Sound.

The 16th -- I think that is a typo, I think that was the 26th -- two subjects in Kent County were charged with oystering at night. Seven bushels were seized.

In Talbot County on the 30th of December, one subject was charged with power dredging in a hand-tong area. I am skipping over some of them because there were officers working who didn't really find anything. You can look at that and tell that they were out there.

On the 1st of January, they did a surveillance at Rock Hall and watermen were charged with oystering during prohibited hours and 7 bushels of oysters were seized. It says in the next one that 2 subjects were charged with power dredging. I think that was the same 2 subjects. The oysters were returned to the bar.

On the 7th, in Dorchester County, they charged an oyster buyer with unculled oysters. On the 6th and 7th in St. Mary's County, had saturation patrol at St. Mary's River, St. Jerome's Creek and two oyster buy stations. They had numerous undersized oyster violations.

The last highlight, in Garrett County a subject was found in possession of powerbait in the delayed harvest area of Casselman River.

That was up until next week. They had a couple of other things this week, but I don't have all the information on that. Any questions?

MR. BROOKS: Questions for Nick?

MR. VAN ALSTINE: Can you expand a little bit more on the November 1st, the pet shop? You have any more information on that? An Anne Arundel County pet shop owner was charged with selling alligator, snakehead and terrapins?

LT. POWELL: No, that is all the information I have on that. If you see me afterward or call me on my cell phone I will see what I can find out.

MR. BROOKS: Any other questions?

(No response)

MR. BROOKS: Thanks, Nick. Appreciate it. Okay, next on the agenda, Inland Fisheries Update. Don?

Inland Fisheries Update

by Don Cosden

MR. COSDEN: (away from mic)

MR. BROOKS: Excuse me, Don. We need you at a microphone. They need to document every word you say here.

MR. COSDEN: All right. I gave you guys three handouts. The first one being the update that I am going to talk from right now.

To start off, I wanted to mention that we are planning to have a Tidal Black Bass Roundtable, that is large-mouth bass for you folks who don't know what freshwater black bass are. But we are planning to do this before the next Sport Fish meeting, February 9, and we thought -- we have a bunch of invitees, folks who are constituencies of fisheries, but this would allow some of the Sport Fish commissioners to show up and not have to make two trips if they were interested in coming to this meeting.

This is something we have traditionally done. We invite sports writers, guides, and folks who fish, Maryland Bass Federation folks and whatnot. We plan to cover the recent large-mouth bass population indicies from our recent surveys. We are going to review some tournament procedures, fish handling procedures that we have been developing for better handling, less mortality when releasing fish.

We are going to talk about upcoming bass projects

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that we have going on that we are starting this year. Some of them we did start this past year, including some tagging, nest boxes that we are going to try to improve spawning in some of the Eastern Shore rivers in particular. And some delayed mortality studies that are ongoing from this past year.

And then the final hour of the meeting is just going to be open to people to ask questions, provide us with their observations on what is going on in the fisheries.

The public is welcome. We are going to be putting out a press release but we would like to have feedback on who is coming. Right now we are planning on having it in the C1 conference room. If the crowd were to get too big we might have to change that.

Next on my list, we are going to put out a press release later this week on spring trout stocking. You will notice the level of stocking is unchanged from last year.

This is already on the Website, and if you folks go and check the Website out, the stocking schedule actually links you to a map, a really nice Google map, that our folks put together that provides information besides the location. Some information on regulations, some other stuff.

That is not just for stocked trout fishing. That includes special management wild trout areas as well. We have had that up for a couple of years. If people don't check the stocking schedule, they don't know it is there. Paul --- has

agreed to put up a separate link and just identify it as a trout fishing map so people can go there even if they are not checking the stocking schedule.

Pre-season usually starts in early February but given the weather this year, who knows. About the only change from last year's stocking is the delayed harvest area, which is up on Catoctin Creek in Myerstown.

And we have had some private property issues there, and we are negotiating with the town council folks, who want to see the delayed harvest area remain, and the fellow who lives across the stream, who owns a little bit of the stream bottom and who doesn't want people all over his property. So we are trying to negotiate some sort of acceptable agreement to the property owner.

It is a nice little area in the town park up there.

Finally, the Savage Reservoir, we have talked about this in a few meetings. It is now pretty much drained, but not entirely, and they are in the middle of a gate replacement. I have put something in italics on the next page, some text that came from the Corps of Engineers explaining some changes in how the work plan was supposed to go.

This is going to allow them to basically double up on their work effort, and I believe it will help us assure that we are done with that work in time to refill that

reservoir with cold water, which is important to keeping the downstream trout alive.

It did result in a little bit under the low flow, we had asked for 10 cfs low flow. They have put in a bypass, 16 inch bypass, and at the current reservoir level they calculated it would provide us with the 10 cfs.

I notice this morning what we are getting is about 8 ½ cfs. Our biologists were out there looking at it today. They said it doesn't look there is any terrible impacts. Probably the worst impact we are getting right now is just the cold weather. There is anchor ice in the stream and a bunch of tributaries, and anchor ice can be pretty devastating to these little streams.

Beyond that, that is all I wanted to mention. There is the issue of the stream brush-clearing guidelines that we talked about at a previous meeting. I just wanted to mention that something perhaps at the February meeting we could clear up.

I did get some comments from the public, and I believe there was going to be a work group, but I am not sure if the commission had a chance to pull that work group together.

We will also provide an update on the whirling disease sampling at the next meeting as well.

The other handout other than the stocking schedule I

gave you, it is Inland Fisheries Staff Activities Update. This is something kind of new. Our staff provided us a monthly report basically of all the activities, everything they do, projects and various things. We use that mainly to keep the administration informed on what we have been doing and what we have accomplished as far as projects go.

I had asked our staff to provide it in a little different format. This is for December, and if you guys would like to see this, it basically shows you what we are up to day in and day out.

Probably there is a lot of stuff that we do here that you aren't aware of. But you might have questions about it, but you don't know to ask those questions if you don't know what is going on.

I am not going to stand up here and read through this kind of stuff every meeting, but if you would like to see this, we can get this out by e-mail on a monthly basis, and when you guys have questions about surveys we are running, or environmental view matters that are coming up, habitat work, you can either call me directly.

If we want to discuss it at a meeting as a larger discussion, we will make arrangements to have a Powerpoint or bring in the principal investigator and we can talk about it. Other than that, I don't have anything else.

MR. BROOKS: Questions? Comments from Don?

MR. COBURN: The future of the Catoctin Creek DH, is that very questionable or just --- ?

MR. COSDEN: The town really wants it. In fact, after talking to the property owner, our regional manager decided we probably shouldn't continue it. The issue is even if people don't go across the stream and up on his bank, the old property lines -- the stream has changed directions a couple of times -- so there are spots where he owns the stream bottom.

We are not sure right now whether he is acceptable to people fishing in the stream, staying out of his bank. The town has said if we don't stock it, they have asked if they could buy fish to stock it and keep it under the delayed harvest designation.

We feel like we want to go there. We want to make that available. It is a great opportunity. If we can get him to agree that folks can at least wade in the stream, then it could happen.

MR. COBURN: Could the chance of it maybe never happening, and then going off the books, is low then?

MR. COSDEN: I would say we are probably going to keep it, and the town has told us they had plans to develop a park further downstream with a much greater amount of stream access. We have looked at it and that looks really promising.

They don't have the money right now, but perhaps

within five years or so we may be looking at a better stream access a little further downstream.

MR. BROOKS: Any other questions, comments for Don?

(No response)

MR. BROOKS: Okay, thank you. Okay, up next, Atlantic States update or briefing. Tom?

ASMFC Briefing

by Tom O'Connell

MR. O'CONNELL: Thanks, Jack. You should have received a copy of the agenda that is available currently. It doesn't have a lot of detail yet. The commission is still putting forth a more detailed agenda that should be coming out shortly here.

But the Atlantic States Marine Fisheries Commission winter meeting is February 1st through the 4th. It is in Alexandria, Virginia. I mentioned to you at the last meeting that we encourage you, if you have the time, to come out and experience a day at ASMFC.

We are fortunate to have three of the four annual meetings here in Alexandria, so not too far away. It looks like Tuesday may be the most interesting day, so if you are able to take one day, that may be a day you want to look at.

I just thought -- I did talk to Bob Beal at ASMFC today and got a sense of what the agenda topics are for each of the species. I just wanted to inform the commission on a

few of the items, and if there is any information you want to provide to Maryland's commissioners, which are myself, Bill Goldsborough and Russell Dize, that probably would be a good opportunity to do that.

Black sea bass, those of you along the coast particularly have probably been following this black sea bass issue. There have been differences of opinion amongst two scientific committees that advise the Fisheries Management Council under the National Marine Fisheries Service. One committee has asked for a certain level of quota, and the other scientific committee has asked for half that level.

Because of the Magnuson-Stevenson Act, the National Marine Fisheries Commission is saying they have to go with the Science and Statistics Committee, which is the committee that is recommending a quota that is the very low one.

That is causing some pretty significant concerns along our Atlantic coast, particularly the head boat fisherman, which, if this is carried through, will have about a one-month recreational season in 2010.

MR. GRACIE: This is after they shut it down this fall too.

MR. O'CONNELL: And they shut it down earlier this year, which had an impact. So for 2010 right now we are looking at about a one-month season. Because of this issue between the two scientific technical bodies, a process was

established to have these two bodies work together more closely.

Lynn Fagley, our staff person, has been working very closely with our head boat fisherman. They had a meeting with Congressman Kratovil last week to bring him up to speed. He has been very interested. And on Friday these two scientific technical communities met. Through that process, the Science and Statistics Committee has changed their recommendation, and they are recommending a higher level quota, which is 4.5 million pounds.

So this is a good achievement that could result in some benefits to our fishermen this year. The next step in order for it to be implemented is for the National Marine Fisheries Service to determine that emergency action is needed to increase the quota for this year.

At the minimum, there should be a socioeconomic emergency action needed based on some of these -- based upon the dependency of some of these local communities.

So the Atlantic States Marine Fisheries Commission will be asked to provide some input on this matter. There are probably two actions that are going to be pursued by the commission. One, it could be status quo, and I don't see that happening because the ASMFC has been really trying to promote staying on this quota based upon the information that is available.

The second option, which we have got to be somewhat guarding ourselves for, is the New England states, which have fish readily available in state waters, they may be asking for an immediate opening, expansion of the quota. The concern with us would be that they have fish now, they have fish in state waters. They could begin fishing pretty heavily, and prior to NMFS taking any action to increase the quota, the fishery could be shut down along the coast because the National Marine Fisheries Service could still be operating under the lower quota system.

Our preferred approach may be to go in there asking for an increase but contingent upon the National Marine Fisheries Service, you know, taking emergency action to increase the coastal quota. So we are pleased to be where we are today with this Science Committee making a new recommendation. Now it is a matter of hoping the National Marine Fisheries Service will agree to take emergency action to increase the quota for 2010.

MR. GRACIE: Can you explain why this fishery is managed by quota rather than by --- mortality? It is a recovered stock, isn't it?

MR. O'CONNELL: Yes, I mean there is a -- I guess to say quota but it really is a harvest target because of the recreational fishery. I apologize for that language.

It is a fishery that is not overfished, and

overfishing is not occurring. However, there is still is an annual harvest target that is established for which the managers try to keep that fishery at a sustainable level. That is where we are at.

There has been a difference of opinion among two technical bodies on what that harvest target should be. Now they have come together and agreed upon it should be the upper level one. We will see if National Marine Fisheries Service will take emergency action to implement that.

MR. SIKORSKI: What is the difference in this past year's target versus the new one?

MR. O'CONNELL: About double. We went from about a little over 2 million to a little over 4 million.

MS. : (away from mic) The quota, the revised quota recommendation is the same as what it was in 2008. It is twice roughly the original --- . Interestingly, slightly higher than the very first recommendation. --- .

MR. O'CONNELL: Any other questions on black sea bass?

(No response)

MR. O'CONNELL: All right. Summer flounder, the manager for it is going to be asked to review and approve the state management plans for 2010. Maryland is in a situation again that based upon the MRFS recreational harvest estimates, we have exceeded our harvest target for 2009.

The final numbers from MRFS is not available yet, but it is likely to be in the 15 -- what is the percentage that we are looking to be over, Mike?

MR. LUISI: We are 14 percent over now, so --- it varies between 14 and 25.

MR. O'CONNELL: So we are required to put forth some options that meet the requirements by ASMFC. We don't have those available today, but we are looking at, and we have had to split size limit season for the Chesapeake Bay and the coast and it hasn't been working out very well.

We are going to be looking at standardizing that so he has the same size limit, the same season for the Chesapeake and the coastal bay area. It is looking like that may be about an 18 ½ inch size limit.

So not much of an increase from last year for the coast but Chesapeake Bay was 16 ½ last year, and the flexibility we may have right now is what season we pick, whether it is more in the early season or more in the fall season.

The commission will be approving our approach for that, and there will be an opportunity to come back to the commissioners and show what the different options are. So we will keep you posted on that.

Weakfish, we already talked about today. The commission will be reviewing and approving the state plans

that need to be implemented by May 1st. Striped bass, it appears there are not really any significant issues. One thing I will mention is since our last commission meeting, I think we distributed the harvest estimates from the spring trophy fishery and it was the highest on record.

It seems to be that the increase in harvest is mostly attributed to increased catch rates among the private anglers.

It is the MRFS's data but some of our independent surveys do corroborate with an increased catch rate. So there is some information that we do independently to suggest that there was an increased harvest.

Some people were concerned about how that would be viewed at ASMFC. Fortunately, we are no longer under the quota system or managing under the coastal --- , fishing mortality rate.

Initially, ASMFC wanted to bring our harvest estimate to the attention of all the commissioners kind of separately. I explained to them that, you know, there really isn't any direction for them to be doing that. It should be part of the annual report of all state's management efforts. Bob Beal told me today that is the approach they are taking. They are not singling out Maryland.

The month of May they report out for all the states, and our harvest estimate will be part of that package.

It still may be picked up by some states but, you know, I think we have a good argument that if someone is pushing on us, we can quickly say, well, let's look at the Virginia --- fishery, which is much greater than this. For a year now there hasn't been any focused attention despite the technical committee last May saying that it is a significant fishery.

Things seem to be moving forward with that pretty smoothly. Spiny dog fish and coastal sharks, just to review state plans, we are pretty good. For those that represent some fishermen on the coast, --- in particular has been talking to our staff about the spiny dog fish quota being a regional -- we are kind of really losing out because New Jersey's fishery picked up, and the fish are begin caught before they come down to Maryland's coast.

This does not look like the meeting to pursue that, but we are going to be keeping an eye on that, and when the opportunity presents itself, we will see if we can put forth a recommendation that preserves a greater amount of fish for our guys.

Horseshoe crab, not much going on. Bluefish, not much. Shad and river herring, not much happening.

Just FYI, if you haven't seen it already, there has been a petition to the Fish and Wildlife Service to enlist Atlantic sturgeon as a threatened and endangered species. The

commission will be discussing whether or not they want to take a position on that. There are also some discussions -- I want to know if the commission wants to look at developing an interstate management plan for black drum.

So it is not -- it is really kind of a mild week, but Tuesday seems to be the best day if you want to come because black sea bass, summer flounder, weakfish, striped bass and dogfish and sharks will be on Tuesday. And that is it, unless there are questions.

MR. WHITE: Tom, I have got a question. How do you know when you have caught your quota or your agenda on a fish? I mean, how do you keep track of it? Just out of curiosity.

MR. O'CONNELL: For recreational fish it is usually after the fact, you know, whether a survey is done by the federal government, the Marine Recreational Fisheries Statistics Survey, and you really don't know until after the season if recreational anglers exceeded the harvest target.

That is why it is a little more difficult to track than the commercial fisheries, for which the commercial guys are reporting on a regular basis and we can track it in a more timely matter.

We do our best to set forth a management strategy that keeps the recreational anglers below that target, but at times the abundance increases or effort increases, we get a situation where we end up exceeding the target and have to

make corrective action the following year. That answer your question?

MR. WHITE: Not really. I didn't know if you went by the number of licenses bought or something, or just estimated, you know what I mean?

MR. O'CONNELL: The recreational survey, there is two parts. One is they do an efforts survey, which is a phone survey, and they call households and determine how many people are fishing, and then they do an intercept survey, for which they go to docks and marinas. They intercept fisherman and get the catch rates.

So then they take the average catch, multiply it by the effort, and get a total catch for species.

MR. BROOKS: Other questions for Tom?

(No response)

MR. BROOKS: Okay, next, the Maryland Oyster Restoration and Aquaculture Development Plan review. Mike Naylor?

MR. GARY: Mike stepped out for just a second.

MR. BROOKS: Okay, well --

MR. NAYLOR: Good evening, everybody.

Maryland's Oyster Restoration
and Aquaculture Development Draft Plan
by Mike Naylor

MR. NAYLOR: Just to kind of start off, some of you

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have probably seen these images on our Website. There was a dive team that went to the Choptank River I guess about a month and a half ago now and had almost 30 feet of visibility.

They dove on a bunch of reef balls I believe the Bay Foundation had already put out not that long ago. They filmed a bunch of sea bass swimming around and got some really, really remarkable footage that, you know, we paid for that effort. If anybody wants these images for anything, let us know. This is one of them.

I am not here to talk to you about that. I am going to talk to you today about the governor's Oyster Restoration and Aquaculture Development Plan, which, as most of you probably know, is draft at this point. Should have put the word draft in the title.

Just so everyone is aware, we have recently gone through a bit of a restructuring in the shellfish program in order to help implement the governor's proposed plan. We sort of restructured the way we do things, and if anyone wants to know who the appropriate contacts are now for aquaculture or for the ecological side of things, citizen outreach or the industry, let me know. We will give out phone numbers.

We have a pretty sophisticated Website now that has everything I am going to be talking to you about today online already, including all the open house slides and materials. So I would encourage you to check that out and give us some

feedback. Let us know what else you would like to see.

(Slide)

MR. NAYLOR: We are trying to do some new things now. This is just one really quick example, taking all the harvest data from October, putting it in GIS so you can see harvest by gear type. This is something we are doing over the course of the year.

(Slide)

MR. NAYLOR: Moving on to the oyster restoration plan. Just to step back a little bit, the vision for oysters is to establish an expanding and sustainable population of native oysters in significant portions of the Chesapeake Bay and its tributaries.

And to establish a private aquaculture industry that can emerge as a major economic contributor to the state while maintaining a targeted and more carefully, scientifically managed public oyster fishery.

(Slide)

MR. NAYLOR: This plan came about through a variety of mechanisms. The EIS release had some pretty specific recommendations in it. The Maryland Oyster Advisory Commission has been very specific in some of their recommendations.

The Maryland Aquaculture Coordinating Council has provided recommendations to the department, and several of

those things translated into this new lease law that triggered a lot of what we are going to be presenting. The department subsequently came up -- and the governor -- with this 10-point oyster plan. And that is pretty much come into 3 basic categories of changes that we are looking at.

The expanded sanctuaries that were public shellfish fishery areas and aquaculture enterprise zones. I am trying to boil down a 60-poster presentation into just 20 minutes so I am going to move through this pretty quickly.

(Slide)

MR. NAYLOR: The reason why this is necessary is pretty evident to anybody who looks at a graph of oyster population or oyster harvests and has seen the really remarkable declines that have taken place historically and the really low level we are fishing at now, down from 4,000 oyster licenses in 1990 to only 651 issued this year so far.

Less than 400 people total have submitted to the department a harvest record, so you are looking at about 400 people, less than 400 people total harvesting oysters right now.

Harvests decreasing from 2 million bushels a year in the '80s to about 100,000 bushels per year right now. I am hoping to see a little bump in that because of the increases in oyster populations in some parts of the lower bay. But even if we get a little bump, adult abundance is a pretty tiny

fraction of where we would like to be.

(Slide)

MR. NAYLOR: So our 10-point plan, focus on targeted restoration strategies to achieve our goals, both economic goals and ecological goals.

Expanding the sanctuary program. Supporting a focused, scientifically managed oyster fishery. Shifting some commercial production to aquaculture. Rehabilitating oyster bar habitat. Managing for and against oyster disease. Increasing hatchery production.

Enhancing law enforcement. Increasing citizen involvement, primarily through the Maryland --- Oysters Program, and integrating inmate labor as much as possible.

(Slide)

MR. NAYLOR: This the slide, the poster that probably got the most attention at our open house that we had last week. I have copies of some of the key maps up on the wall for everyone to read.

I have also printed out some copies if any of you have no hope for Internet access or would really like to take a copy of all the slides we have at the open houses home. I brought some copies with me. Let me know afterward.

But you can see it is a pretty major expansion of sanctuaries. It is pretty obvious when you look at the map. All the dark green are proposed new sanctuaries. The light

green are the sanctuaries that are already in place right now.

We are proposing to increase the amount of habitat protected from, oyster habitat, from 9 percent of the pretty good oyster habitat we have left, to 24 percent. So we would still be leaving about 76 percent of the better oyster habitat available to the fishery while we are in this transition period.

(Slide)

MR. NAYLOR: We didn't go about establishing these sanctuaries in a haphazard way. We had a fairly sophisticated analysis performed that looked at fall survey data for about 300 oyster bars that had been monitored for a very long time.

They looked at the years 1996 to 2007, and they went through and looked at spatfall and they looked at small oysters. They looked at market oysters and they identified for us the best areas for oysters in the Chesapeake Bay based on these data.

We took that information, and that resulted in this oyster sanctuary network.

(Slide)

MR. NAYLOR: Most of the areas that were targeted as a result of that analysis were kind of in the mid bay. The PEIS and the Oyster Advisory Commission both recommended we have broad geographical coverage, so we expanded the sanctuary network to the north and to the south to encompass the whole

host, the whole variety of oyster habitats that we have in the Chesapeake Bay.

(Slide)

MR. NAYLOR: And if you want more details on this analysis, we are going to be making the actual analyses themselves available on our Website. It is a pretty long document. I am trying to figure out the best way to make it legible.

(Slide)

MR. NAYLOR: In addition to the changes in the sanctuary network, there are also a very large, there is a lot more area open to aquaculture now. Pretty much the entire eastern shore. Everything that is in the hash marks over there was previously closed to new aquaculture and is now open to aquaculture.

It is about 600,000 acres. Not all of it, of course, is suitable bottom. A fraction of that is suitable, but it will include over 95,000 acres of former -- areas that were formerly national oyster bars that don't have good populations of oysters on them right now.

We actually have a map -- if anyone went to the open house, we have updated that map -- to show the NOBs that will now be open to leasing so you could see them all. They are really hard to see on this map.

(Slide)

MR. NAYLOR: We are also proposing these public shellfish fishery areas. These are areas that are reserved for the public fishery. They are not available to leasing. The department did propose in the open house -- I think there will be an opportunity to potentially lease some of these areas if a very specific set of criteria are met.

If there is a bar that is in a shellfish fishery area that doesn't have oysters on it, that will probably be a suitable candidate for leasing.

The whole idea here is to take areas and leave them for the public fishery, not allow leasing on them. These are where we are going to be having public fishery. There were a very specific set of guidelines for how to set these up in the law, and again they include 76 percent of the remaining quality oyster habitats.

(Slide)

MR. NAYLOR: We are also establishing hopefully eventually a very significant network of aquaculture enterprise zones. These are the first couple in the Patuxent, just north and south of Broomes Island.

The idea here is that the department goes and gets all the necessary permits to do aquaculture in these areas ahead of time. So these areas will be fully permitted for anyone who wants to begin aquaculture. You can come in and apply to the department and begin working very quickly. You

are not going to wait a year, or half a year or two years to get your lease approved.

Hopefully we can do that extremely quickly, and a month or two is my goal.

(Slide)

MR. NAYLOR: Coastal bays, I don't know how much you want to talk about that here now, but we have some preproposed lease areas. They are basically these yellow areas here and here, about 1,600 acres -- 1,400 acres.

Pretty substantial areas. I have done a lot of diving in both of those spots. They are pretty good areas, they are fairly shallow, and I am hopeful that those will be really productive for aquaculture. These will be sort of prepermitted in the same way that the AEZs are. They are just named differently because it is on the coastal bays.

(Slide)

MR. NAYLOR: We are focusing on really carefully targeting the restoration work that we do, using some technology that has been available for a long time, but with advances in computers, it is getting easier and easier for us to use.

This is an example of some of the work that is being done on the Severn River. What we did is we went in with a side scan sonar vessel. I say we -- Maryland's Geological Survey went in and they conducted, they basically mapped the

entire bottom.

And they can see from their mapping where you have oyster shell on the surface and where you have oyster shells that are buried. You can see the areas with nice, deep, thick, hard substrate where you could put an artificial reef or you could put shells, and it just wouldn't sink out of sight.

And you can see areas where it is just mud, where you shouldn't work, and you can see some good examples of that right here. A lot of you probably heard about the Great Wicomico Study, where they are proposing you have to build up these really tall areas in order to get anything to work.

But in Maryland's part of the Chesapeake Bay, as soon as you start to look, and anybody who has ever been on the water with sonar, knows that there are already these existing mounds and features that we can build upon. So the idea is you take some of these elevated areas, and just to sort of show you how this works, if you look at this green track here, comes up here and up here like that, that is the boat track.

This is that same boat track right here as you move across. So coming up here under this elevated area is when this boat was coming from that deeper area up on top of this oyster bar. So we are targeting the tops of some of these areas where you see shell for where we are going to do our

restoration work.

And we are also looking at areas where you have shell that is thinly buried with sediment to do the oyster bar rehabilitation work. So again, just trying to take advantage of existing technology to allow us to get the most bang for our buck for the restoration work that we do, and to try to target it based on salinity and based on the kind of sediments you have.

There are a lot more details if you come to the open house.

(Slide)

MR. NAYLOR: Increasing hatchery production, Horn Point had a record year last year, and I am hopeful that they can continue to expand upon that. Their facility could potentially produce as many as 2 billion oysters a year, which is pretty remarkable.

We will have the opportunity to target where we put those more carefully than probably has been done in the past, and I am hopeful we are going to see some real results in the not too distant future from the work they have done.

We have also initiated work again at Piney Point. They produced about 40 million oysters last year, so it was pretty exciting to see that work down there again.

(Slide)

MR. NAYLOR: Trying to work really closely with the

National Resource Police law enforcement. You obviously heard just a minute ago some of the violations that have been occurring and, you know, I am going to the regional meeting and talking to the NRP officers, and we are doing everything we can as a department to crack down on what is going on.

I have heard a few positive things from some waterman too. They are starting to see some NRP officers sitting out on the water making checks. We also instituted this year for the first time self reporting, where the watermen are now reporting on their own where they are harvesting oysters, and that has worked out fairly well.

People who are reporting are doing a very good job. We still have just barely half of the people submitting any information to us at all. We are trying to address that right now.

This Maryland Law Enforcement Information Network that is being implemented should be very helpful. We are going to try to target where we put our AEZs, where we are going to put our hatchery oysters into areas where radar will actually see those oysters beds so we can have those areas be monitored 24/7. So there are some neat new things coming available to us.

(Slide)

MR. NAYLOR: Just to give you a sense of the timeline for all of this -- well, I won't go through

everything. So right now we are in this public scoping process. We had our first oyster open house last Thursday in Easton. Our next one is the day after tomorrow, this Thursday, at the Maryland Department of Agriculture from 12:30 p.m. to 8:00 p.m.

You can come at any time during that time. I would encourage anyone who can come to show up. It is pretty neat, and we had a lot of good feedback from our last one. We had about 170 people show up in Easton despite the fact that we really didn't get out as much notice as I would like to have.

So we have our open houses, and we anticipate submitting a regulatory package in February coming out of these open houses. We had a lot of really good feedback. I am sure we will be making some changes as a result of what we heard.

That is all I have. Again, I have some of the presentation materials if anyone wants to have a copy.

MR. BROOKS: Okay, questions.

MR. VAN ALSTINE: Yes, two questions regarding the recreational industry.

I want to make that the recreational industry realizes that on these AEZ zones, that when you have this preapproved package of leasable bottom, that you are not only preapproving the traditional bottom lease, you are also preapproving an off bottom and a surface, which means the

recreating public, once that lease goes in, will not be able to run their boats across there and drop a pole in the water and catch a spot.

That area will be consumed. Is that correct?

MR. NAYLOR: We are trying not to be prescriptive in what people do. I suspect we will have a mix.

MR. VAN ALSTINE: If the surface lease goes on, I can no longer transit that area once there is product on that surface.

MR. NAYLOR: My understanding is you can still fish there unless the person --

MR. VAN ALSTINE: If I have got cages on the surface, if I have got floats tethered on the surface for a surface area, on that AEZ zone, that 100-acre zone, I won't be able to get a pole overboard, for one. But two, if I have got cages overboard, we have got -- I just want to make sure the public realizes it is not a traditional bottom lease that watermen would have been using over the past 100 years.

It is off bottom and the surface. It is not strictly a bottom lease. The second one being, on the areas that you are taking of the commercial harvest right now, in Anne Arundel County there is one space that is set aside -- if you can put up that chart.

In Anne Arundel County, your recreational oystering, there is only one place that a handcomb can be used in the

county, and that is in South River. On that chart, you have taken the entire South River, which is the only commercial hand-comb bottom in Anne Arundel County, and it is also the only place that the recreating public could recreationally catch their bushel of oysters.

And it is also the same area that Anne Arundel County Seed Committee, over the past 10 years or better, have been targeting very hard and very successfully in getting oysters to grow well in there. If you look just a little bit south of there, on ---

MR. GROSS: Wrong map.

MR. VAN ALSTINE: That one right there covers everything you got. Throw all the rest of them away. That one hits everything on one page. When you look from --

MR. NAYLOR: So you are talking about these bars right inside the South River there.

MR. VAN ALSTINE: Right in that river, which you have proposed to lease, which I broke my nuts over to get certified, get oysters on it so our local watermen would have a place to hand tong when we got boats that don't have a --- on board. You have taken out every place in the county that a waterman can hand tong, and the recreating public.

It is the only place in this county that can happen. You go just south of that area that you have opened up for leasing bottom on --- , which is one of the places that we

have been spending public money and surcharge money, our money, that you are opening up to be leased on.

I have big issues with those two. Set aside from the areas below that, which right now, Parkers had a natural strike on it that JR was now working on --

MR. GROSS: While you are on that subject --

MR. NAYLOR: Let's do the questions one at a time.

MR. GROSS: They tie together. Mike, you have got from Talley's Point to the Calvert County Line in Anne Arundel County. Now I mapped that out for you, and I know that bottom like I know the back of my hand. All of that on the catch reports, on the buy tickets, is 127. So you should have that on record that has been public bottom that we have been using --

MR. VAN ALSTINE: Planted and seeded --

MR. GROSS: Planted, seeded, harvested. Northern Thomas's, southern Thomas's, Parker's, which is down below there, every three to five years, we get spat sets on those places. We don't work them every year. We get a little spat set on those places, and we go there and we work these places.

Yes, it is good, productive bottom, but you have taken it from the watermen, and what I really had a problem with the other night is the fact that at that Governor's task force meeting, it was said, we went to the watermen to map out these areas for us. We didn't believe them, and we took the

history of the catches. And that is not the truth, and I know it is not the truth because I mapped it out for you.

That is not the truth. One the other side of the bay, you are putting them guys out of business. Those productive areas that you have there, you know why they are productive? Because we power dredged them. You are putting commercial watermen out of business.

You just said about the hatcheries at Horn Point. We got 600 surcharges paid right now. The hatcheries can't produce enough to make that a viable fishery for 600 watermen, and now you are going to do the aquaculture.

You have given up on the commercial fishermen and have switched gears and turned right into -- if we got 2 boatloads of seed, that we have been begging for, from this department, on these oyster bars on Tally's and Hackett's, where I am catching 10 and 12 right now, I would be catching my limit every day, and my catch reports come in.

I don't know where your numbers come from there, but my catch reports are coming in. You are misleading this task force, this governor's task force, and I sat right there in that meeting, that last meeting, when you all said, we asked the watermen to mark it out and they marked out everything. No, that is not what I did, and I know. Not in Anne Arundel County. I know I didn't.

Because what I did was -- I got 30 years in this. I

am 42 years old, I have got 30 years in this. I know those places. I know where that plane wreck is down off of Franklin Mound. I have been down there and caught 50 caliber live shells where that plane wreck is down on Parker's. You all don't know anything about that.

The reason that is an oyster bar is because it was a plane wreck there. It is like my old man told me. This is the information that you can't get -- I am a fourth-generation waterman. My old man told me, he said, son, when you get down to that glove, that bottle, that rock, that is where that oyster pile started at.

You have caught them all then. You are down to the roots. I don't appreciate the fact that you asked me to mark out bottom, productive bottom, 127 -- this morning you changed it but it is 127 now.

I marked that out. That is bottom that we work. I have been working for 30 years. I missed two oyster seasons in 30 years and that is because I was --- . That is the only reason I missed it.

It is wrong, it is misleading. You are misleading the public.

MR. NAYLOR: Let me just respond to you, please. Let me just respond to what you are saying. First of all, this a proposed plan. These aren't final maps. That is why the word proposed is on every single map. George brought that

same issue up to me. He said look, there are a couple oyster bars in the South River where I have been catching oysters, and I told him fine. We will add those to the public shellfish fishery.

So before you go and think we are being dishonest with you, you know, talk to us. That is why we are having these open houses.

MR. VAN ALSTINE: Those are the same charts that we gave you that night on that --

MR. GROSS: That is fine, Mike, but then you made the statement at the governor's task meeting that you went to the watermen and we misled you, and that is not the case.

MR. NAYLOR: Well, I would suggest, JR, that you come over to my office and look over some of those maps with me, because you weren't the only one who turned one in. We had dozens and dozens of maps.

I have maps literally with the whole river circled that say we need all of this river. So most of the feedback that we got through that mapping exercise suggested that there was no bottom available for any of the work we wanted to do.

You might have submitted a really reasonable map to me, but again, you are not the only one.

MR. VAN ALSTINE: We were the County Seed Committee.

MR. NAYLOR: I was just asked from Dorchester County -- they want their map back. This time they are going to

write down the areas they really want because the first time they gave us the map, you know, maybe it wasn't just right. So if we made a mistake --

(Simultaneous discussion)

MR. VAN ALSTINE: -- our own chart so we could be meticulous when we showed you. We gave you a --- .

MR. NAYLOR: If we made a mistake in the areas that we put down, and you have recorded harvest in a bar, all you have to do is tell us, and we will include it.

MR. BROOKS: I think we are going to have some better communication hopefully both ways in these public hearings too, but they certainly need to hear where there are issues like that. And I think they are going to hear a lot more.

Larry, you have got a question?

MR. SIMNS: Yes, I have a couple comments. There are a couple things you didn't know about or don't realize. One, a lot of these areas you have closed for sanctuaries, all around the shore is clam areas. There is not a provision made for that. It needs to be made.

The other thing, what you have done systematically, you have taken all the bottom that we can work on, and you took it for sanctuaries. You have left the bottom -- you say you have got so many acres of bottom for public resource. There are not enough oysters on that for us to make a living.

Now if you spend a lot of money on putting oysters on sanctuaries, then you should do it on those bottoms that aren't supporting us. You shouldn't take the bottoms that are supporting us because what are we going to do while we are trying to get into aquaculture for the next five years if we don't have a way of making a living to feed our families while we are trying to wait for aquaculture to work.

You took all the existing bottoms that we were working. Everything that is good, had any oysters on it at all, that is profitable to us, you took it. I understand we are going to try to work and change some bottoms around and all that, but if this were to go through the way it is now, the governor is saying he is going to create 200 to 300 jobs, he is going to eliminate 500 jobs right off the bat, and he is going to give us 200 to 300 minimum wage jobs.

Because when people come in and lease these bottoms, they are going to pay us minimum wage to harvest the oysters or they are going to get Mexicans in here to do it. So you are going to trade an independent waterman's job, 500 of them, to give out 200 to 300 jobs at minimum wage. That doesn't make good sense in anybody's book.

If you all go back to the drawing board with each county, --- , we may be able to work out. But you need to know this, because I don't think you quite understand.

You need to keep the good bottom for the watermen so

they can make a living while we are transferring over to this aquaculture. If not, we are not going to be around to do it. You are going to put us all on welfare because the 500 watermen who are making a living off of those oysters bars, you took it away.

Most of them are hand-tong bottoms --- , like little Choptank River. You have wiped that whole county out of our hand-tong areas. If you take all that, those people can't afford to travel somewhere else to make a living when they are only catching five or six bushels.

It is the same thing with Anne Arundel County. You took all their existing bottom out where they make a living.

So what I am asking you, or trying to get across to you here, you really didn't know what you were doing when you did all this. You had no conception of what bottom you were taking, and when you mislead the public and say there is so many thousands of acres of public bottom available, tell them there are no oysters on them, because they think you are taking care of us when you are not.

You are misleading the public. I read all those things there when I was down in Easton, and half of them are mistruths and half truths and propaganda.

It is a shame that the DNR is fooling the public into thinking they are doing something great when actually they are putting the watermen right out of business.

Now granted if you are going to work with us and turn it around, we might salvage something out of it. But don't tell the public what you are doing for the watermen when all you are doing is destroying them.

How much money are you going to spend on the public rocks to bring those oysters back up so we can make a living? I can tell you what the answer is. It is zero, except for the money we put in the oyster tax money.

So you are making the public think you are doing something great for the watermen, and you are not, and it is wrong to do that.

MR. WOMMACK: Well, Larry, let me ask you a question. The oyster bars that you say are dead out there, what caused them to be dead? Too much overworking them? Pollution? What is going on?

Because, I mean, if you keep working the ones you are working, sooner or later they are going to be wiped out too if there is a problem. Where is the real problem at?

MR. SIMNS: You are all wrong there.

MR. WOMMACK: That is why I am asking.

MR. SIMNS: Let me explain it to you. See that big green square down at the bottom --- .

MR. WOMMACK: That is the lower part of Tangiers.

MR. SIMNS: Five or six years ago, you couldn't catch oysters there. They started dredging a little bit.

Every year after they dredged it, we have a spat set on it. Every year since they have been dredging, I have been catching more oysters every year, not less. More every year.

Now they come along and say dredging is bad for the bottom. But they come along and want to make sanctuary out of it.

MR. VAN ALSTINE: Mike, go back to that page that showed the side scan, the sonar.

The Severn River is the best example. That one right there. That mud area with that hard piece on the bottom? That is shell from all the construction upstream.

MR. NAYLOR: That is not shell. That is not silt either. That is air, these are air bubbles, this black here. That is methane gas.

MR. BROOKS: Another question.

MR. DUKES: He was asking about that. I can tell you, the Choptank River. We used to have two or three bars up there that we worked and we kept oysters. The state comes up and says these are closed. They --- . They kept moving it down. They brought the dredgers in, dredged the oysters up and moved them out.

MR. WOMMACK: So in other words, what you are telling me is the state --

MR. DUKES: The state causes a lot of the problems. I have seen it.

MR. BROOKS: Brian?

MR. KEEHN: I want some clarification about what John said. John brought up a good point about these aquaculture zones. You know, you are right, I totally see that happening. If you have got mid-level and upper-level, a boat isn't going to get anywhere near there, which means we just lost public fishing.

Can you clarify that? You kind of just glossed over that.

MR. NAYLOR: I am a fisherman.

MR. KEEHN: Well, so am I.

MR. NAYLOR: If I am going to be fishing the Patuxent River, I am probably going to go to one of these areas with all these oysters and all this aquaculture and fish right along the edge of it. I am not hardly going to be skipping stuff --

MR. KEEHN: Let me try to put it to you this way. I can park my boat --- and go fishing, so how can I --

MR. NAYLOR: Not exactly, because if you are recreational fisherman you are not going to be fishing for the oysters that they are growing, whereas in a pond that --

MR. KEEHN: My point being is did you take into account or ask any of the recreational fishing community? My point is there are bars, there are places up the Choptank River or Talley's -- I mean there were several years where I

made my living at Tally's and Hackett's and --

MR. GARY: Stop, stop. For procedural clarification, first of all the court reporters are getting a little bit confused. So we need to make sure we do one thing, if not only one thing. Make sure that Chair Brooks acknowledges you before you speak.

MR. KEEHN: So anyway, as I said, there was a period of time where those fish, a few years ago, were sitting on those oyster bars in Tally's and Hackett's. Now let's say it is now leased out for aquaculture, and they have got mid to upper floats. I am not going to be able to get in there and fish.

Have you guys thought about that?

MR. NAYLOR: Well, you know, we did the public scoping for it. To my thinking, these areas are always going to be so small, relative to any of the rivers that we have that it would not be --

MR. KEEHN: You are not answering my question. My question is did you guys take into account and ask the recreational fishing community about these areas?

MR. NAYLOR: We didn't specifically reach out to every different user group.

MR. KEEHN: Yes or no.

MR. O'CONNELL: I will try to jump in here. I don't think we brought those specific AEZ proposals to the Sport

Fisheries Advisory Commission. I wouldn't be surprised if we informed the commission that there was a regulatory process that we were going through, and there were public hearings for which the public could provide these types of viewpoints.

We understand that there are recreational impacts to the AEZs. We anticipate that the AEZs are going to be small. I mean, there are impacts to somebody putting a pond net in the water. These areas are bigger than a pond.

They will have an impact if there is float aquaculture on boating activity and recreational fishing activity. That will be taken into consideration, and these AEZs come to the table and they go through a regulatory process, which has a public comment period.

MR. KEEHN: That is the end result. Thank you, that it be taken into consideration.

MR. WHITE: I was told that you would sit down with these county oyster committees before this was done to hash out what bars are being used and which ones aren't. Has that changed?

MR. NAYLOR: We did meet with all the county oyster committees.

MR. WHITE: Well, you haven't because I am chairman of Kent County and I don't remember meeting with you.

MR. PRICE: I am chairman of Somerset. You haven't met with me.

MR. GROSS: And I am chairman of Anne Arundel County, and --

MR. NAYLOR: You were at the meeting. I remember you being there. We reached out, we sent letters to -- we met with every single county.

MR. WHITE: The only I remember was having a meeting and you said go make these maps. Bring them back to us. I am talking about sitting down and us saying this bar is being used. Right in your own regulations if it has been used in three years you can't touch it.

When he talks about a dead bar or something, it is not a dead bar. It is a bar that doesn't have enough oysters for us to make a daily living off of it when we can go somewhere else and do better.

There is a lot of good oyster bottom out there. You are taking, it looks like to me -- I have oystered for 30 something years. It looks like to me that you guys are taking, everywhere that there is little oysters, and oysters have been planted and paid for from county associations, from county taxpayers, and you are taking that bottom away from them, and there are oysters there now that they have paid for.

You are just going to take those oysters?

MR. NAYLOR: Absolutely not. I mean, we have had that discussion a number of times at the department. If areas have been planted with oysters, we will make available the

opportunity to recover those oysters, whether it is through delaying implementation of a specific sanctuary or having in holdings within the sanctuaries that remain.

Any of the different designations for special areas. We will not be establishing a sanctuary and thereby removing the ability to harvest oysters that have already been paid for and put there for the watermen. We are aware of that issue.

MR. WHITE: Some of these areas that you have got as sanctuaries are still up for discussion.

MR. NAYLOR: This whole thing is up for discussion. This open house process is the means by which the department hears concerns like that and makes changes.

MR. WHITE: Because Tom and John were both at the meeting in Kent County, and John told us these bars, we have got to renegotiate some of these bars, out of his own mouth. Because there are working bars that you guys have on there for leasing and everything else.

MR. NAYLOR: Well, that is what was just brought up. I agree, I mean, that is why we are having this discussion. That is why we are having these open houses, for you to tell us, like, we really need this bar, I have harvested there. You know, to tell us.

MR. WHITE: I think you guys need to talk to us.

MR. BROOKS: Tom, one thing, and then we have got two questions -- one question over here and then over here.

MR. O'CONNELL: There is a lot of focus in this discussion about specific areas, specific bars. Where we are in this process is a proposal.

We have four open houses. We have had one already, and those industry members that came to that open house, we had some really good discussions. We had maps out. We got the input that, you know, this bar that you are proposing on a leased area, that is an area that has been working. You should go back and look at our records. We got that information.

Now we can sit here and debate a lot of stuff, and that is healthy, but what we really need to do is for you guys to look at the proposal. If you think there is an issue of concern, get some maps out, draw on the maps. If you need us to meet with you or provide you the maps, we have agreed to do that.

And what we need to do is to figure out -- one of the issues related to this proposal in regards to the sanctuary proposal, these areas weren't picked just arbitrarily. We were charged to identify the most productive areas in the bay. That was the focus for the sanctuaries.

That does have a direct impact on the industry. That was our charge. The Governor is looking to have a 25, 24 percent amount of sanctuaries. Secretary Griffin has made it clear at the Kent County commissioners meeting, and we are

making it clear. We are in a process and we are taking comment.

There are opportunities to look at modifying some of these areas, but if we are going to decide that, one, proposed sanctuary area is not suitable, we are going to be looking for another area in that region that is productive.

Now there is this debate, there is this discussion that is going on right now, does it have to be currently productive, which the industry is currently benefiting from, or another area for which the industry says, it is not productive now, but if you put an investment in it, it could make a good sanctuary.

That is going to be a discussion the department has to play out. But the best thing you guys can do right now is get your maps out, identify those bars that are being proposed to open up for lease areas, tell us if they are productive. The intent of the aquaculture law was not to take away productive oyster bottom.

If we haven't captured that, we need to know. If there is a sanctuary that you believe is going to have an impact, work with us and try to put forth an alternative idea. We will be reviewing that and sharing that with the secretary at the end of this month.

MR. BROOKS: I would like to ask one question before we go forward. Can you guys reach out to each and every

county association to have a reach-out program or sit-down work session with individually, those counties individually, to identify these areas and try to take the path of least impact to the wild fishery?

MR. O'CONNELL: We are going to do what we can. Our preference would be first to provide each of the counties to get together and try to see if they can put together information on the maps themselves. If they think it would benefit us to meet with them, to provide maps and have that discussion, we will do our best ability, during the timeframe we have this month, to do that.

MR. BROOKS: I will leave it up to the commission but I would think that is exactly probably what needs to be done. Larry, you had a question?

MR. SIMNS: Yes. One thing that you need to really look at, if you really study the law on all this stuff, the leasing law and everything, any bottom that is leased can eventually be turned over to surface culture. So all this area that can be leased could one day have floating structures on it, so everybody needs to look at that and think about that.

I am not sure that is not a --- in the regulation because I don't think the department meant for all those places to be floating structures, but that is a possibility. Not saying that will happen, but the possibility is there. A

lot of those light-green areas, which are leasable areas, if you put a lot of floating structures out there, recreational fishermen will pay a bigger price than what we are.

MR. : That is the concern I have.

MR. WOMMACK: My question was I don't want the watermen to get an idea that somebody is talking to try to put them out of business or take any money out of their pocket. But I keep asking the question, on the weak bars, what is going on that they are not growing to become good bars?

MR. SIMNS: Well, you asked me that question. The disease wiped the oysters out. The areas that we have been working a lot are coming back. We haven't been able to work all those areas because there is really not enough there to pay us to work there.

If you spend a little bit of money putting seed there or turning the bottom over, they would probably come back too.

MR. WOMMACK: Well that is the question. We need to figure out why --

MR. SIMNS: Disease wiped everything out, and we are just starting to bring some of it back.

MR. WOMMACK: So in other words you are telling me we need a heavier seeding program.

MR. SIMNS: Yes.

MR. WOMMACK: That is what I have been asking.

MR. SIMNS: You have got it, that is right.

MR. NAYLOR: It might be interesting to this group to know -- I mean, we are seeing a very greatly reduced, reduced disease-related mortality throughout the Chesapeake Bay. We saw a very good spat -- not very good -- we saw a decent spat set throughout the Chesapeake Bay. Not just in power-dredge areas, in hand-tong areas, in sanctuary areas and in power-dredge areas. Also in Virginia.

Last year was a pretty good year for spat sets, so we are seeing some pretty positive things occurring with the oyster population in a lot of different areas, so I am kind of hopeful for the future. I am hoping we are not going to get a huge drought in the next couple of years.

MR. WOMMACK: Is that a 5-year, 10-year span?

MR. NAYLOR: It is the last 6 years, when we have really been seeing this.

MR. BROOKS: My apologies for overlooking anyone. Sorry. Next?

MR. B. WHITE: I have a question about how you -- I always thought about the floating baskets on docks because that is where they have been up until this point. This open-water stuff, actually until somebody brought it up, didn't really hit me. So there will be floating things, and currently in the sanctuaries, like in the Choptank, right, we have buoys around. It is pretty easy. We can drive over it,

we can fish on it, yadda, yadda.

But if there are going to be floating or subsurface baskets, you are going to have to have more than buoys.

How do you do that and, as a follow up to that, one is how are you going to mark that, which is going to be more than buoys, and two is are you going to let anyone, including recreational fishermen, on those sanctuaries, and how would you be able to not know that they were doing something to the oysters and fishing?

Is there an enforcement issue as well, or is it intended that you really are going to let recreational fishermen on there because I don't understand from an enforcement issue how you do that.

MR. NAYLOR: The only real issue with the recreational fishermen is if someone who owned that lease had a concern and didn't want recreational fisherman there. As I understand it, they could basically prohibit that activity.

MR. B. WHITE: So it is true, so it is true that if they lease that and they don't want recreational fishermen fishing on that, then it is possible that the recreational fishermen will not have access to those leased areas.

MR. NAYLOR: That is my understanding.

MR. B. WHITE: Okay and the second is if they do allow fishing, how do you designate those areas, because you can't -- forget fishermen, let's talk about boaters now.

These guys run up on sandbars much less -- I mean, there are stone rocks south of there that aren't marked that guys hit too.

So you are going to have to, because there is a liability issue there for the person who leases that, right?

MR. NAYLOR: They are vetted through the Army Corps of Engineers and the Maryland Department of the Environment. They will have very specific marking requirements.

And I can tell you that for the most part, probably almost entirely, if you put an off-bottom structure like that, you are not putting it out the middle of the river or anywhere near a channel. You are putting it back in a cove. You are putting it deep in a fairly protected area for the most part.

MR. B. WHITE: In any of those boxes is that -- any of the places that I see. You say that, and that is the way I think about it because it hasn't been an issue before. But if some of these leased bottoms are in open water, then in fact, yes it won't be a navigable channel, I understand that, of course.

But center console boats, we don't always run in navigable channels because we don't have to.

MR. NAYLOR: I would just suggest you take a look at off-bottom culture around the country and around the world, and its interaction with recreational fishing. And I don't think you will see conflict anywhere.

MR. B. WHITE: That is fair. I think that is fair, Mike. My point is that until this moment, in this whole discussion, we never talked about that recreational anglers would not have access to those areas.

MR. BROOKS: We will go to Bill and David and then we are coming back over here to J.R.

MR. GOLDSBOROUGH: First I want to express sympathy for the local impacts of sanctuary establishment and some of the other measures in this plan.

But I think we need to also recognize as we deal with them and try to resolve them, try to mitigate them, minimize them as much as possible, I think we also have to recognize the positive elements of this too because, as was mentioned over here, this isn't a plan that is attempting to have negative impact. It is a plan that is attempting to have positive impacts for the state of Maryland.

There is a whole ecological side of it. We know that a healthy oyster reef is a community of organisms of all different kinds and it is habitat for rockfish, blue crabs and all kinds of other fishery species that support other fisheries.

So there is the potential value there for recreational and commercial fishery from having these live reefs.

So, I mean, when I step back from it, I try to look

at the long term and the big picture and realize that the oysters in the bay now are down to 1 or 2 percent of what they once were, and the commercial catch is down to 1 or 2 percent of what it once was. Neither one of those things is acceptable.

We have been nipping around the edges for decades trying to figure out what to do. We have made a little bit of local progress here and there, and I think we know what to do. But what we have got here is the first real honest and frankly science-based effort to look at the big picture and come out with a plan that is not just taking away, but it is trying to establish an industry.

Aquaculture, I know that is going to take some getting used to and working out bugs and all that. Nothing is guaranteed. But it is proving in lots of other parts of the world, even this mid-Atlantic, it works in some places.

I think we have got to recognize that is what this is trying to do, and it is not trying to do everything overnight. It is trying to phase in that industry, but it is an honest effort to try to increase the commercial value as well as the ecological value that is so much an important part of this bay and has economic repercussions itself.

So, you know, as we try to mitigate the local concerns and problems that it causes, I hope that we keep that big picture in mind, and all of us recognize that there is

improvement to be made here.

The situation we have now just is not acceptable. We can do a lot better on both the commercial side and the ecological side.

And I have also got to throw in a plug. I know it is true, as Larry mentioned, diseases wiped out the oysters. Well that -- disease has been a dominant factor in the lifetime of everybody in this room. The lifetime of everybody in this room is really a small part of the lifetime of the oyster in the Chesapeake Bay.

We know that in the late 19th century we destroyed the reefs that had been built up for thousands of years and provided all that habitat. We knocked them down to flatter substrate where they get silted over. We polluted the bay of course and reduced --- oxygen levels, so those oysters succumb to disease more readily.

So we have got to build back that habitat and we have got to deal with the pollution side. And the plug I want to put in for everybody here is legislation now in Congress, Senator Cardin introduced, and Congressman Cummings, the Chesapeake Clean Water Act that has really got the potential to turn around the pollution side of the equation. We have got to do both. You can't do one without the other.

The disease problem has been shown experimentally to result in significant measure from dissolved oxygen stress

that oysters face. They succumb more to Dermo when they are faced with low dissolved oxygen. That has been demonstrated experimentally.

So you can go to our Website if you want info. I can give you info, cbf.org, about this Chesapeake Clean Water Act and what can be done.

Everybody in this room, and anybody related to the bay, has a lot at stake in this, and all of them have to chip in if we are going to get this thing passed because I can tell you there is major opposition to it from across the country because of the implications it has for what -- you know, what people are going to have to do to manage the watershed and reduce runoff and, you know, the people who have been able to do that for free for all this time, they are going to have to control their pollution.

This bill is going to make that happen so please step up on that if you can.

MR. SIKORSKI: Bob, discuss the process for approval of the leases. I know you showed a few that I guess are a little ahead of the eight ball in the Patuxent River. The situation with getting a lease --- versus areas not necessarily mapped out but will be.

MR. NAYLOR: The actual process for obtaining lease hasn't changed really dramatically yet. I mean, we have until May pretty much to come up -- we have to come up with all the

new forms and everything else.

I am shooting to have a sub six-month turnaround on leases. That is my personal goal. I don't know if we are going to be able to achieve that. But it is going to be a very similar process, where you are going to have to go out to these areas, once it is open for applications, you are going to have to stake out the area, fill out the paperwork and submit it to the department for on bottom leases.

For off-bottom leases, you are still -- you could do that right now through the Maryland Department of the Environment. That hasn't changed.

So the actual process -- AEZs will be one thing. You will submit a condensed version of what you want to do to the department. But the traditional on-bottom leases that the department manages will be similar to how it was before.

MR. SIKORSKI: What is the comment period? I mean, the concerns we have with off-bottom leases, is there a comment period where bodies like this would be able to discuss them, the exact area?

MR. O'CONNELL: For AEZs, there will be a regulatory process, so it will be a minimum 30-day public comment period. There will be scoping before it becomes a regulatory option. From what I am hearing --

MR. GRACIE: I think what David is asking is will the schedule allow our commission to look into this, digest it

and comment on it officially. Am I correct?

MR. SIKORSKI: More or less.

MR. O'CONNELL: It will for the AEZs. We are hearing tonight that we have got to look at the process for these nonAEZ leases to see if there is -- if we need to figure out a process that allows the broader public to comment. If one of these standard leases, someone wants to put a float aquaculture, that has got to go through the corps, and there is a public process for that.

MR. SIKORSKI: Each and every individual lease?

MR. O'CONNELL: Yes. But what we are hearing, I am hearing that loud and clear tonight that there is some concern about the user group impacts, the AEZs. The AEZs, you know, that process, you know, we are going to be to adjacent property owners making sure they are aware, see if they have any issues.

There is going to be a regulatory process. We will have to look more carefully at the bottom lease or just a standard lease that could have off bottom. We will look at that.

MR. NAYLOR: I would love to hear from the rec groups. If you could reach out to your constituents in other states that have expensive off bottom aquaculture, and just ask them. Is it good? Is it bad? How has it affected them? Maybe we can bring some of that to bear on what we are doing.

MR. BROOKS: J.R.?

MR. GROSS: A couple things I need the department to look at. It was brought up about the razor clam industry and these leasing areas. There is a lot of razor clam bottom there. I need the department to look at that.

I also need the department to look at, in the leasing areas, crab pots. I don't know whether you thought about that, you know, if someone leases that bottom, you can't set a crab pot across it.

It is going to affect us down the line in every industry. In Anne Arundel County alone, that is 10 miles of shoreline. In that 10 miles, there are 60 pound net sights. So I think it something like 30-pound netters with that 60 pound net sights. I don't know the exact number on that. But they will be affected.

You just don't affect us in the oyster industry when you take that much bottom to lease. You affect us in all aspects of what we do, and it is going to put us out of business.

It was brought up that the government's task force -- by Russell Dize, about the razor clam industry, which is very vital to us, and if we don't have that industry then we don't have a crab pot industry. So I need the department to look at all of those things. I don't think that has been looked at because you are talking 10 miles of shoreline. That

puts us out of business where we can't trot line, we can't do anything across that ---.

James, to answer your question about productive bottom and productive bars, I did work for the ORP, and we went to the Patuxent. And the man's place where I tied up at, worked from 7:00 in the morning until 3:00 hand tonging on a bar. He caught 3 bushels of oysters. That is the best day he had.

I went there, me and some of us doing work for the ORP, we went there, first two hours I caught nothing but soda cans, rags, bottles, trash in the teeth of my dredge. Second hour we started catching one or two shells, not enough to dump but just one or two shells. By the end of the day, with a culler on the boat, I had 96 bushels of oysters on there.

That is what watermen do for you. Those places where it is not productive bottom, if they let us do what we know how to do, we could make it a productive bottom. They just took the divers away from us out of the dredges. The reason they took the divers away from us out of the dredges was because we are too productive. That bottom down there where you see those sanctuaries is dredge bottom, where we have worked and made that bottom come back.

If the department wants to make sanctuaries, then go to places other than public rock, build it up, find some shell. If you won't find any shell for us, put down the --- ,

just spat. So go somewhere, find some shell, put it on the bottom and build your own sanctuaries.

MR. BROOKS: We have got about 10 minutes. Larry, I think you --

MR. SIMNS: Well, I want to try to answer Bill Goldsborough. In our quest here for trying to save our lives, we might be oversimplifying. We are not against what you are trying to do. We know that it is time for a change. But we don't think we should be sacrificed for this change, and that is exactly what this is doing.

It seems like anytime anybody says something about save the bay, the first thing they want to save it from is the watermen. They want to get rid of the watermen. In some roundabout way they want to get rid of the watermen. And we don't think that we should be sacrificed in order for this all to work.

We can make this all work without sacrificing us, and that is what we are arguing about. We are not arguing about what they are trying to do. We are not arguing about the aquaculture. It needs to be done right, and everybody needs to know what it means.

I am going to tell you something. I work with some people out of New Zealand drilling oyster on the surface. They had rigs that they grew oysters in the ocean. They weren't back there in the coves. They had big rigs that they

floated out in the ocean that they grew oysters on. I got pictures of it.

I am not saying that is going to happen immediately, but you all better think about the way the regulations are written, 10 years, 20 years down the road, some big outfit come in here and lease all that bottom and put those big rigs out there, you ain't going to do nothing there. And the way the law is written today, they can do that.

And see, you all need to tighten this thing up a little bit because 10 years -- you all talk about the future, looking at the future. I can see the future, and I have always been good at seeing 10 years down the road, and I can tell you this thing could grow out of control if you don't have the right safeguards in it.

I am not against aquaculture. I think it is a good thing. I think we all could profit by it and make it. But this thing is being shoved down our throats too fast. Nobody is doing any real good planning. If we were to start today, and we leased the bottom, it would probably be five years before we reaped a harvest off of it.

First place, the state is not ready for it anyway, but if you want to get the maximum yield out of your oysters, you don't want to harvest them at three inches. You want to harvest them at four. So it is going to take at least four years to grow plus a year to get the bottom ready.

Meanwhile, we got to make a living while we are doing that. Nobody seems to care about the watermen, and there have been some statements from people from the state that they are not worried about 200 or 300 oysters. Well, they better worry about them, because nobody else is going to be able to do this.

You might think you can put somebody else in here to do it. They are going to do it in a big way, but it is going to destroy all you all have known about working on the bay. And you better look at it, and look at it close. We are willing to work with you, but don't sacrifice us to do something you want to do when you don't have to.

It would be different if you had to sacrifice but you don't. We can have it all, we just need to do it so we still exist.

MR. BROOKS: Just a few more moments. Brian?

MR. KEEHN: What concerns me is -- I am with Larry there that aquaculture is definitely the direction that we should go in. But what concerns me most is when I asked you that question -- because I am looking at that map, and the light green areas you are talking about? Well, that is where I fish.

I go out of Deale. Herring Bay is where I spend much of my time, and then another big constituency of mine is Solomon's Island, and you have shut all that off.

I guess my point is before we do something that is wrong and we are stuck with it, we need to think about the recreational fishing community, not just -- we can't have these blinders where it is oysters, bay, aquaculture. Once you are stuck with that aquaculture zone, then next you know none of us are going to be able to touch it, get near it or even look at, and we are stuck with it forever.

So that means that I can't fish where I have been fishing for the last 15 years because nobody thought to ask me how this is going to affect me, and that is my major concern here.

It has nothing to do with aquaculture. It has to do with forward looking and thinking about the impact, not just on watermen, but the recreational community, the boating community, everybody. And it doesn't sound like that has been thought out very well.

MR. NAYLOR: Let me just respond quickly that just consider the size of those areas. I mean, you know how big they are. I suspect that you could take most of the aquaculture in the entire United States, everything that takes place everywhere, and it wouldn't fill some of those areas.

MR. KEEHN: But a minute ago you said back creeks and all that. If that is the case, then why do you have that green line all the way up past Highland Point --

MR. NAYLOR: Because those are the old natural

oyster bars.

MR. KEEHN: Yeah, but a minute ago you were saying, oh, they do it in back creeks and all that. Well, if that is the case, well, move that green line all the way into Rock Hole Creek.

MR. NAYLOR: But this is for both kinds of aquaculture, and the department only regulates on bottom --

MR. KEEHN: I should say that -- and for me, on bottom is not a problem if we can get on it and fish it, but when it starts getting vertical, then that shuts us out. Like I said, I have been fishing there for 25 years in Herring Bay, and now I am going to come up there in one of my favorite spots and be like I can't fish there anymore.

MR. NAYLOR: But just to -- not to beat a dead horse, but DNR doesn't regulate off-bottom aquaculture. So if you are going to make that argument, you really need to be talking to the Maryland Department of the Environment. They are the ones who issue permits.

If anyone is going to do any off-bottom aquaculture anywhere out there, the department is not even really involved. That is the Maryland Department of Environment.

MR. SIMNS: That makes it worse.

(Simultaneous discussion)

MR. NAYLOR: Just so everyone is clear on that. I know it is confusing.

MR. BROOKS: Time for a few more questions.

MR. VAN ALSTINE: Mike, I think most people would like to see this department just slow down and get it right, because you are moving way too fast, and it is going to fall on its face. Slow down and get it right. It is getting shoved way too fast.

MR. O'CONNELL: The aquaculture bill that was unanimously approved by the legislature required us to implement this plan by October 2009. We are already running 3 to 6 months behind schedule. We are charged by the legislature to implement this plan. It is not the department's timeline, it is the legislature's timeline, which was approved unanimously.

MR. VAN ALSTINE: But they also said something about dredge shells and that has been -- by what date that it was supposed to be done and it is still hasn't got done.

MR. SIMNS: You know, you always hide behind the legislature. Who wrote that bill for the legislature? The DNR.

MR. O'CONNELL: It is the administration's bill.

MR. SIMNS: Yes, it is the administration's bill. You put it in, and then you convince the legislature that it is a great bill and don't tell them all this other stuff and they pass it.

Now you come back and say, oh, the legislature has

given this deadline. The legislature is not that interested in the deadline. They want it done right, and if we can do anything about it, that is what we are going to have to do, go back to the legislature.

MR. BROOKS: John?

MR. VAN ALSTINE: Jack, I want to make a point. I spent seven years -- I sit on the aquaculture task force. When you are talking creeks and coves, could you pull up the EZ zone for Patuxent? It is not in a creek or a cove. It is right smack in the middle.

The fight that I fought in Anne Arundel was a 100 acres in the lee a northeast --- . That is not a creek or a cove, to back up what you are saying. An EZ zone, to my understanding, and I was supportive of these areas until they said that it 100 percent incorporates. We will not do it strictly for bottom lease. We will only spend our money building these EZ zones preapproved -- bottom, off bottom and surface.

Otherwise, there is no sense in having that. The department is sponsoring these areas working with -- the other people that you said you don't have any control over, the Army Corps, to get those other permits. There are two areas that are set up that you had input on that is not a creek or a cove.

When my comment was brought up, when they wanted to

take the lee shore in Anne Arundel County in West Rhode River, 100 acres from Cedar Point all the way up to Three Sisters.

You have got a northeast fetch that nothing will stay. The comment that came from that meeting from other people sitting in there is out west they are making leaps and bounds with open cages.

To sit there and say we won't have them out in the bay or in places that is not a creek or a cove is wishful thinking. I was trying to work very strictly to get something that would work.

I am for aquaculture. I am not for taking a piece of productive bottom recreating is not on, commercial fishing is already producing incomes and feeding families off of in the hopes of something that will come.

Right now, all of West Rhode River is leasable bottom that is not utilized. The Magothy River is all leasable bottom in a creek and a cove that is not utilized. We have tons of areas that are set aside for just the programs you are talking about that aren't being utilized because we don't have adequate shell, we don't have adequate seed and we don't have something that is viably possible on law enforcement to keep poaching off of it.

A waterman is not opposed to what you are proposing. We are opposed to where you are putting it and what you are doing to the public --- . You need both of them together.

But to sit there and say that you don't have control over things that aren't on the bottom? These EZ zones, you have control and input.

MR. NAYLOR: Right, and bear in mind all these AEZ areas, we are taking through the aquaculture coordinating council. It had the opportunity to look --

MR. VAN ALSTINE: That was a misleading statement you just made a few moments ago about that, and that really offends me.

MR. NAYLOR: Which was -- I am sorry. I am not following you.

MR. VAN ALSTINE: The department has no input to off bottom and surface leases. If these two cases alone, and the case in Anne Arundel County, 100 acres that I fought for 7 months to keep from being put in there because of that.

I am in full support of leasing. Not when you are going to displace other people, and that is what some of those -- that EZ zone is not a creek or a cove. Is that correct? The state worked hand in hand to put that area on a bottom, off bottom and a surface lease.

Gentlemen, make no mistakes about it. It can be anywhere else.

MR. BROOKS: Val, did you have --

MR. LYNCH: I had a general question. Who are the operators that you anticipate purchasing and operating these

leases?

MR. NAYLOR: It has been opened through the new lease law to really any -- to anyone practically. We have had, primarily I would say that 50 percent of the communication we have had with people regarding leases has been from watermen, and probably 40 percent from people who already have a lease and are trying to figure out how to do it that just happen to live near there or inherited it.

The other 10 percent is a whole smattering of different groups. I have heard so far from one, secondhand, about one corporate entity that might be interested in setting up a small lease in Eastern Bay. So that is kind of the breakout of who we have heard from so far.

MR. LYNCH: Is there any coordination in terms of soliciting these operators that would facilitate retention or increasing jobs?

MR. NAYLOR: Well, I don't think directly in the way that you are asking. I mean, they will all facilitate jobs, presumably if they generate income. But we are not reaching out through the newspaper or whatever to encourage people to apply for leases in that way. I am not entirely sure I understand your question.

MR. LYNCH: What I am trying to get at is that if the whole idea is to try to continue the productivity of the activity for the watermen, and in those areas that the

watermen either can't or choose not to serve, that it is open to others, is there some kind of way that you are looking at this to say how can we not only develop the aquaculture but also develop the economic aspect of it at the same time by training people, funding it -- that sort of thing.

Is there an integrated approach to this, or is DNR stovepiping this and saying this is all we are concerned about. We are looking at the bottom, and the rest of it is somebody else's problem.

MR. NAYLOR: No, we received some federal crab disaster funding that we were using specifically to try to help initiate aquaculture for watermen.

We are working with a Maryland sea grant to have an aquaculture training and education program. That will be open to all watermen to participate in. That will teach some of the basic husbandry things that some of the watermen know and some don't.

We also have \$1.2 million that we are spending to build a network, some infrastructure, some remote setting facilities, hopefully 10 or 12 remote setting facilities all around the state that will be quasi public, where someone who is a waterman can go and buy some shell and buy some eye larvae and set their own to dramatically reduce the cost of getting some product on the bottom.

So we are looking into partnering with other groups

to get people started and help them transition. We also have met with a group to try to set up a funding mechanism to do low-cost loans that don't have to be fully collateralized, where people don't have to put your house up in order to get a loan to start producing some oysters.

So we are reaching out. I think the best way to do that isn't necessarily the department. I mean, is to work through the aquaculture coordinating council. Some of these existing groups that have experts have been doing this a long time, and they are aware of what we are doing.

MOTION

MR. SIMNS: I would like to make a motion to the Tidal Fish Advisory Board to recommend to have us slow this process down so we have time to work out the details.

This fast track is what is scaring everybody, killing everybody, and I don't think we got in this shape in a real short time, and I don't think we are going to get out of it in a real short time.

I think --- on everybody's part and I would recommend that we recommend to the secretary to slow this process down so everybody gets a chance to really work on it and come up with some solutions to give it a chance to make it work. Because otherwise it is going to fall flat on its face, and we are the ones who are going to be left hanging out in the wind.

We want this thing to work, and we want it to work for us as well as for everybody else. But fasttracking it is going to make it fail, so I recommend we ask the secretary to slow the process down.

MR. BROOKS: We have a motion to slow the process down and capitalize it. Marty, you got all that?

MR. GARY: I am going to read this back and see if this works for you, Larry.

On behalf of the Tidal Fisheries Advisory Commission, Commissioner Larry Simns recommends that the department's process within the proposed oyster restoration plan be slowed down to allow details of the department's plan to be better understood by commission members and the public.

MR. SIMNS: Yes, and to give the watermen time to plan and be involved.

MR. BROOKS: Is that functional for us?

MR. O'CONNELL: Just add that last piece. I think Larry's point is to make sure the watermen are given time to --

MR. VAN ALSTINE: Second the motion, third the motion.

MR. BROOKS: Just a minute. Want to make sure we have the motion right and everybody understands it.

MR. GROSS: Can I add something to that, Larry, on that motion?

MR. BROOKS: Just a second. We will have discussion in a moment to amend the motion.

MR. GARY: Let's try this again.

On behalf of the Tidal Fisheries Advisory Commission, Commissioner Larry Simns recommends that the department's process be slowed down to allow details of the department's plan for oyster restoration, to allow that to be better understood and make sure the watermen are given an opportunity to --

MR. SIMNS: To help plan it and also be involved in it.

MR. GARY: -- help with the planning and implement the plan.

MR. BROOKS: All right, there has been a little discussion for a second, but the discussion about the amendment first, maybe we ought to go there for the sake of time.

MR. GROSS: I would just add that to recommend that the department go to the county seed committees in a timely fashion and sit down and have a meeting with each individual county seed committee. Not a general meeting like we had the last time. An individual county seed committee meeting so we can hash out all the problems that we have with this proposal.

MR. BROOKS: I have a quick question. Does every county have a seed committee?

MR. GROSS: Yes.

MR. BROOKS: Okay, Larry, there has been a suggested amendment.

MR. SIMNS: I will accept that amendment.

MR. GARY: So J.R., the amendment is to allow all available county seed committees to meet with the department --

MR. : Individually.

MR. GARY: -- individually as part of the planning process.

MR. GROSS: Yes, and -- I got a lot to go here, but also a letter from the department goes out to all surcharge holders in the state of Maryland, advising them --

MR. GARY: Can you repeat that one more time?

MR. GROSS: That a letter goes to all surcharge holders, oyster surcharge holders, in the state of Maryland advising them of this proposal and the meeting schedules for these oyster committee meetings.

MR. SIMNS: Can I refine that a little bit, J.R.?

MR. GROSS: Yes, sir.

MR. SIMNS: I think what he wants to do is notify the oystermen and holders of surcharges that they need to talk to their oyster committees, so when the oyster committee has a meeting they have got the input from their general membership.

MR. GROSS: Correct.

MR. GARY: How about we simplify that to say and allow input by surcharge holders into the planning process.

(Simultaneous discussion)

MR. SIMNS: Send them a letter so they know what is going on and advise them to get in touch with their oyster committee to give their input to them.

MR. VAN ALSTINE: So apparently you don't have a whole river circled.

MR. GARY: A letter will be sent to all surcharge holders advising them of the department's proposal and integrating them into the planning process.

MR. GROSS: Yes, that is right.

MR. VAN ALSTINE: Can you read the whole thing again?

MR. GARY: All right. A motion made by the Tidal Fisheries Advisory Commission by Commissioner Larry Simns recommends that the process be slowed down to allow the details of the department's plan to be better understood by the commissioners and the public, to make sure the watermen are allowed to help with the planning process and implementation of the plan.

This motion is amended to allow county seed committees to meet with the department individually as part of the planning process, and a letter to all surcharge holders

will be sent advising them of the department's proposal and to make them aware of the meeting so they can be integrated in the planning process.

MR. GROSS: Put oyster surcharge.

MR. SIMNS: I don't want to make this any longer, but we ought to say something about the Sport Fish Advisories Commission, recreational fishermen, to also look at the impact and be involved in working this out. Just say the Tidal Fisheries Advisory and the Sport Fisheries Advisory committees time to work it out. Just add Sport Fisheries Advisory Committee in there.

MR. NAYLOR: Just so you all know, we did send postcards to every single surcharge holder and every single lease holder already, making them aware of these open houses. Just so you know. Not to the recreational fishermen.

MR. KEEHN: I will be honest with you, I was telling Larry, I am not an oysterman. To be honest with you, I didn't pay any attention to this until John said that, and then I was like what?

And then I started looking at the maps and that is where -- I am very concerned now, where two hours ago, I couldn't have told you -- I mean, I was all for it.

MR. BROOKS: All right. Can you read that, just the last part of the amendment? I think we understand the --

MR. GARY: And allow the department's Sport

Fisheries Advisory Commission to be aware of the planning process.

MR. BROOKS: Larry, you all right with that?

MR. SIMNS: Yes.

MR. BROOKS: All right, we have had a motion, and it has been read and amended a couple times. Second?

MR. DUKES: Second.

MR. BROOKS: By Russell Dukes. Okay, at this time we do have a motion and a second. We invite brief public comment if anyone has any before we take a vote? If there is anyone who does want to comment, I think you need to get by a microphone, identify yourself by name and the organization you may be representing or just yourself, and proceed with your comments.

Public Comments

MR. OREM: My name is John Orem, commercial waterman and an oysterman since 1976. Started out on the South River hand tonging when I was in high school.

You ask why we got this condition? Three letters, MSX. MSX was introduced into this bay by scientists. That is why we are where we are today.

I think we need to slow down and really look at what you are trying to do. Some very valid points were brought up tonight, and the watermen -- this has been shoved down our throat. I knew this bill, when it was introduced last year,

what it was going to do.

But you had the department, you had all the CBF, you had all these people -- oh, it is going to save the oystermen. It is going to bring oysters back. I knew this bill was a bad bill last year when it was put out. But you can't fight feel-good people. That is all I would like to say.

MR. BROOKS: Okay, anyone else?

MR. BROWN: Robert T. Brown, President of the St. Mary's County Waterman's Association. This started some time ago, and if you go back, I asked Mike Naylor at a meeting where we started drawing these maps up -- and we sent a map in. And part of the ground we had on ours wasn't on that.

Had to do with St. Catherine's Sound, which we planted like six million or more oysters from the ORP out of our county allocation for replanting the ground.

I talked to Tom and Mike last week and I informed them of it and we got there. But I told Mike earlier, I said, look, when you come up with this map, you should go to each oyster committee and ask them to look over it, because if you come down and you have stuff way off like it is now, and you go to public hearings, it is going to get a lot worse than what it was in here tonight.

Tonight is going to be calm to what it is going to be in some places. The suggestion on the motion that Larry made is ideal, and that is the way you should go. The sports

fishing industry, I would like for them to also be into this because they need to know what is going on in the river.

And there is also one question I haven't been asked yet, or nobody's answered me, or I kind of got an answer, I don't believe you have got to be a resident of the United States to lease bottom the way it is set up now. I would like to have that answered tonight. Thank you.

MR. BROOKS: That is a good question. Anybody else from the public want to make comments?

(No response)

MR. BROOKS: Okay, then we will go back to the commission. Any other comments or discussion about the motion.

MR. GOLDSBOROUGH: Since I am the liaison from sport fish, I am to vote on this as well. I am torn frankly. I think I am going to vote for it, but want to explain that.

You know, I know the concerns that motivate this but I want everyone to understand that when we say slow down, we are also slowing down the potential positive things that are attempting to come out of this.

We also got to recognize that this thing, this plan, didn't just sprout out of thin air. We had -- what ended six months ago was a five and a half year oyster environmental impact statement, the most comprehensive study ever done on the Chesapeake Bay oysters.

It provided a lot of the background, a lot of the basis for developing this plan. We also had an Oyster Advisory Commission for the last two and a half years that was created by legislation, introduced by the speaker of the house, ordered by the Governor and virtually everybody else, that also did a lot of work to take stock of where we were and see where we needed to go.

So when we say slow down, we got to recognize that this has been a very major process to get where we are now. At the same time though, I hear -- when Larry says about slow down to get it right, and getting it right is something that we want to do. We want to get it right.

So I am willing to take it at face value that what we are trying to do here is not put up a roadblock to stop improving -- to stop an effort that hopes to improve both the commercial and the ecological side of things, and recognize that leaving it the way it is now is just not acceptable.

And take it at face value that what we want to do through this motion is get it right. So I will accept it on that basis and let the record reflect those thoughts.

MR. BROOKS: Thank you. Tidal fish, any other comments?

MR. WHITE: I just want to say I agree that this is not -- I don't think this is a roadblock. We just want to get it right because a lot of things that have been faststreamed

before have failed. Let's just slow down and get this right.

MR. BROOKS: Anybody else?

MR. NAYLOR: Can I just make a quick comment? If we slow down the public shellfish fishery areas, as I understand it, the department will not be able to issue leases to anyone.

MR. BROOKS: Not going to be able to issue leases?

MR. NAYLOR: If we were to issue leases, we have to know the areas off limits to leasing. So I am just asking you to please be careful what you slow down, because you might slow down your own opportunity to get a lease.

MR. O'CONNELL: Yes, I mean, we are not approving any lease applications until the public shellfish areas are established. So that would have to be a decision by the department to change that.

MR. VAN ALSTINE: How many --

MR. BROOKS: Is this a discussion on the motion?

MR. VAN ALSTINE: It pertains directly to how many lease applications have been applied for in the past 12 months?

MR. NAYLOR: No one can apply for a lease right now.

MR. VAN ALSTINE: How many leases were applied for 24 months ago for a 12-month period? How many leases in a solid year in the past 5 years were applied for?

MR. O'CONNELL: We are receiving a lot of calls -- I don't know what the numbers are -- but a lot of people are

calling about this new potential.

I don't think it is a major point to impede this motion from being voted on.

MR. VAN ALSTINE: And I believe that the questionnaire that people are asking for are about the EZ zones, the approved zones, which I don't believe this would stop.

MR. O'CONNELL: No.

MR. BROOKS: We have a question over here. Make a point, though, about this tidal fish motion, but we would like to hear your comment.

MR. WOMMACK: My comment was that listening to the watermen, J.R. and all that, they said that could do such a good job in seeding. Why can't you get a percentage, or give them a zone to try their experiment versus giving them a small zone to try their aquacultural lease thing and give it a timeframe and see what is the most productive?

MR. BROOKS: Okay, Brian, a comment on the motion.

MR. KEEHN: I am with Bill. I am all for it, and actually, when you started the presentation, you took a picture of that reef? I was the one that took the dive team to that oyster reef.

I am all for it, I get excited about it. But I am just really concerned that this hasn't been thought out, and I am a big fan of measure four time, cut once. You know, haste

makes waste. I say it on the boat all day long, drive the guys who work for me crazy.

But you do it right, you do it once and you do it right. If that means I got to delay something to do it right the first time, I do that. And the fact that the sport fishing community, there hasn't been a lot of thought about what ifs. I need time now to get educated.

I am not against it. I am for it, but I need time to get educated and make sure that the sport fishing community is not going to be adversely affected. I think that is basically what this motion wants.

MR. SIMNS: One thing I want to assure Bill of, I made a commitment to John, and I will make a commitment to both these committees that we are not trying to stop this thing. We just want to make sure it is done right.

We are not going to try to stand in the way of it. We just want to be part of the planning. This whole thing was planned out, nobody ever once seemed to think to pick up the phone and talk to us. We didn't know nothing about it until the day before it was announced to the Governor. That is wrong to start with.

We could have saved all this headache if everybody had sat down with us and talked to us and done it in a proper way. When you shove something down somebody's throat, they are surely going to be upset about it because they don't know

what you are trying to do.

So what we are saying, let's slow the process down. Doesn't mean we have got to stop leasing or anything else. We want to be involved in -- if somebody applies for the lease, we want to be involved in whether you grant that permit or not because we want to know where it is applied for, what is it going to do there, and we want to be involved in that.

Whether it is one of our watermen or a big outfit or whatever. We want to know the way he wants to do it, how he wants to do it, what he is going to do, and we want to be involved in it because there are areas where we work -- we got to tell you that we have been working and you can't lease it. We want to be involved in that process. That is part of the slowing down.

We don't want to just stop it. We might want to lease something, we might want to ask you for a lease ourselves in the next month. So we are not asking to stop it. We just want the thing planned out a little bit better.

You got a lot of new people here. I mean, you are new in the department, a lot of people new in the department, and it shows on this proposal. It looks good on paper, but it doesn't look good to us in the wild. So we need to bring that all together, and we need to be involved in it, where we should have been involved a year ago, six months ago.

When you all started making those grandiose plans,

you should have picked up the phone and called some of us to come in and talk to you about it. You didn't do that, so now that is why you need to slow it down.

We are not trying to stand in the way of it, and I will make that promise to you, we are going to try to guide this thing along as fast as it possibly can and do it right.

MR. BROOKS: All right, we will go with the vote. Everybody in favor of the motion that has been worked over and read many times -- does anybody need it re-read?

(No response)

MR. BROOKS: All in favor, say aye?

(Chorus of ayes)

MR. BROOKS: Show of hands please?

MR. GARY: I get 10.

MR. BROOKS: Any nays?

(No response)

MR. BROOKS: Any abstentions?

(No response)

MR. GARY: 11 in favor, zero opposed, zero abstentions. Motion passes.

MR. BROOKS: Okay, motion passes. Personally, one footnote for me, I think if it is done right, and you leave the active oyster bars alone, it is a win-win. The bay is going to win, the fishing is going to win if it is done right, so I think this is a good idea.

MR. SIMNS: I have to ask the question, does the sport fisheries advisory board want to vote on it? Whether they want to back us up on that or not?

MR. JETTON: I would like to speak to that. As a charter boat, you know, Brian and Brandon have brought some issues to light, I have kind of been sitting back and saying this is a waterman issue, it really has nothing to do with us.

But the fact that lease owners would have the ability to close an area if they see it as impeding them, floating oyster hatcheries -- Larry and I did some work on that together. I have seen it. I have seen it in the bay. We did some experiments with floating stuff. I know what is going to happen eventually.

It could affect us. I am looking here at proposed lease areas out of Rock Hall right on places where we fish. Yes, it is a concern to us. And I am like Brian. Until tonight, this was a waterman issue. Let them work it out. Not now. Now I need to investigate it.

MR. GRACIE: Let me suggest that the motion gives us the opportunity to look at this.

MR. JETTON: I think it is good.

MR. GRACIE: I am not sure we need to do anything else with it.

MR. JETTON: I think because you have included the Sport Fishery Advisory and they were already in it, and I like

that. If we need a motion, I will make the motion. I think we should vote on it.

MR. SIKORSKI: It was discussed a little bit with the, and I think you may have said there is a chance for more input? More maps? What is the timeline?

MR. NAYLOR: (away from mic) Every lease owner --- so some of the things that you asked for are already in place.

MR. SIKORSKI: Like this specific map, the most updated map with the different areas, when will that be set in stone?

MR. NAYLOR: (away from mic) the plan would be -- it will be final in May.

MOTION

MR. JETTON: Jim, I may not get a second here, but I would like to make a motion that we vote on the same motion.

MR. GRACIE: We have a motion on the floor. Is there a second?

(No response)

MR. JETTON: Okay.

MR. GRACIE: Tom, did you want to say something?

MR. O'CONNELL: Larry is right that, you know, the industry really didn't see this proposal until the Governor's announcement. Bill has made it clear that it has been a six-year planning process, and just the direction for where this plan is going shouldn't be a surprise to anybody.

I understand there is a lot of specific detail that just came about. We have four open houses, eight hours per open house for the industry, for other stakeholders to come in, look at this plan in detail and provide us input.

We are looking for that. Those open houses go through the 26th, and we are looking for public comment probably to like the 28th of January. After January 28th, we are going to have to bring all this information forward to Frank Dawson, my boss, all the way up to John Griffin.

Between then and early February, which is not a lot of time, is to put together a regulatory proposal at this point in time that would be submitted on February 19th. That is the schedule. That could get changed based upon the input that comes in that we are hearing about tonight.

Then when the regulatory proposal is submitted, there is an additional 30-day public comment period and a public hearing. It is difficult to make changes at that time. That is why we are investing a lot of time with these open houses.

You know, the secretary will review your motion that was made here today and we will move forward accordingly.

MR. B. WHITE: Tom, in all fairness, if it was six years, and I wasn't on the sport fish advisory for six years, was it ever brought to the sport fish community the fact that the lease holders could close those areas? That is the

question. It is either yes or no.

I mean tonight, my reaction is that Brian and Greg and these other guys never heard it. And to be honest, I walked in the meeting thinking it is a waterman thing, we are not going to meddle in it. But it is not a waterman thing, it is a sport fish thing, and you can't say it took six years and all this stuff when that issue was never brought up, which is a pretty important issue.

MR. O'CONNELL: Right, so that specific issue --

MR. B. WHITE: And now we are forced, with a February whatever deadline, and we all know how that works. It will be a disaster. So six years, whoever ran that process didn't include all the stakeholders.

MR. NAYLOR: (away from mic) But it has always been like that. Lease holders have always had an opportunity to --

MR. JETTON: It hasn't always been like that. We are talking about newly proposed lease areas. That is new.

MR. NAYLOR: But all the existing, the thousands of acres of existing leases, they could keep you off.

MR. B. WHITE: I want to say this to Dave's point. I think Dave brings a really good point. If we are going to slow down the process, what is that timeline? I think that will -- the answer is I would have to think about because until this moment, tonight, I haven't had a chance to think about it, so I guess we will have to come back.

MR. SIKORSKI: There are safeguards to say having a float on some of those spots in the future. It is not just all of a sudden by early February someone is going to be --

MR. GRACIE: We are going to be having a commission meeting February 9.

MR. SIKORSKI: Hold on. It is not that all of a sudden, starting in February or May when this all passes, that there are going to be floats all over the bay. Those things will have to go through a regulatory process to be approved, correct?

MR. O'CONNELL: (Nodding of head)

MR. GRACIE: We are going to have a commission meeting on the 9th. And I missed that in your scenario. When are you going to have to go to the register as you plan right now?

MR. O'CONNELL: The details will be, if the secretary decides to stay with that schedule, February 19, it will be too late. The February timeline would be too late.

MR. GRACIE: You want to reconsider Greg's motion, guys?

MR. JETTON: I am just asking to look at it. I am afraid we are creating a monster here.

MR. SIKORSKI: I would say go to our constituencies and discuss it with them.

MR. JETTON: I am with Larry and the watermen. I

don't want to stop this. Obviously everybody -- we need good oysters. That is what makes the bay go. But do we need them at the expense of just throwing everything else aside?

We are creating a monster where you end up with a 100-acre area that eventually 10 years down the road might have floats in it. Might not happen tomorrow. I agree with you on that. It is not going to happen tomorrow. But these things develop a life of their own, and the consequences sometimes are unforeseen, and that is what I am afraid of.

As a charter boat operator, I am looking at some pretty productive bottom for us. That worries me, and until tonight I hadn't thought about. Honestly hadn't thought about it. And I come from a watermen's community, and it was their issue. Now it is my issue.

MR. KEEHN: Tom, can you, I mean, the letter notwithstanding, but can you take into account obviously it hasn't been about the off-bottom lease? The real issue for us is off bottom. With the sport fishing community, I think it is off bottom.

MR. JETTON: They can close it. Even if it is not off bottom --

MR. KEEHN: Yes, that is true.

MR. JETTON: -- if the owner sees that you are inhibiting his ability to raise those harvests, he can close that area.

MR. KEEHN: And he will.

MR. JETTON: He will have the legal right to do that.

MR. GRACIE: Mike is saying that has always been true, but I don't think it has come up, and we certainly weren't aware of it.

MR. JETTON: It has always been true, but our leases today are not utilized to any extent. I know the leases in the Magothy River. They are very small, they are just not utilized. You turn this into something where there is money behind it, there are people behind it, people are going to utilize it.

You are creating a whole other monster than what we had before. It is not the same. It is different.

MR. JACOBS: Is there a motion on the floor?

MR. JETTON: I made a motion, I never got a second. That is where we stand.

MR. : Make it again.

MOTION

MR. JETTON: I make the motion that we vote on the same motion the tidal fish commission voted on.

MR. GRACIE: Is there a second?

MR. JACOBS: Second.

MR. GRACIE: Now we have a motion on the floor. Do we need anymore discussion or can we vote on it?

MR. : Call the question.

MR. GRACIE: All in favor? Bill, you want to say something?

MR. GOLDSBOROUGH: Yes. You know, we are sort of creating this image of this whole thing being a monster and a negative, and I just have to emphasize again that there is a lot of positive -- oysters are really a wonderful thing for the bay.

(Simultaneous discussion)

MR. SIKORSKI: With the discussion of this motion, I would probably be comfortable voting on something that said the Sport Fishery Advisory Commission has some concerns with off-bottom aquaculture. I hope the department understands those concerns from a recreational fishing --

MR. GRACIE: Let me respond to Brian. Brian, this is a sport fish commission discussion on a motion. Please don't interrupt with an argument. If you want to be recognized, I will give you a chance. There is a motion on the floor. Is there anymore discussion?

MR. SIKORSKI: Can Marty read the motion?

MR. GARY: I have got this pretty simple. I just simply said the Sport Fisheries Advisory Commission motion by Greg Jetton to replicate the Tidal Fisheries Advisory Commission motion on the department's oyster restoration plan on behalf of the sport fisheries commission. Seconded by Neil

Jacobs.

MR. GRACIE: There was an amendment to that. There was an amendment that was added to --

MR. : An amendment to our motion?

MR. : No, there was an amendment that was approved --

MR. : That is incorporated already into that. It was amended before the second. It already became part of the motion.

MR. JETTON: I guess what he is asking is -- are you asking could you read the whole motion, the original?

(Simultaneous discussion)

MR. GARY: The Tidal Fisheries Advisory Commission motion, made by Larry Simns, to recommend that the process be slowed down to allow details of the department's oyster restoration plan to be better understood, and to make sure the watermen are allowed to help with the planning process and implementation of the plan.

The motion is amended to allow county seed committees to meet with the department individually as part of the planning process. A letter will be sent to all oyster surcharge holders advising them of the department's proposal and advising them of any meetings and bringing them to the department's planning process.

Also allow the department's Sport Fisheries Advisory

Commission to be aware of the planning process. Seconded by Russell Dukes.

MR. GRACIE: Okay. Bill?

MR. GOLDSBOROUGH: We should have asked for a little more clarification or expressed more clarification in the original motion --- tidal fish but let me just put it out there that -- and Dave has hit on this. One, it is very imprecise what we mean when we say slow down.

We also have not gotten any clarity, but we haven't asked for it, good feedback from the department about what it means, what the implications are. We heard a little bit, and this is what got me thinking about it. It was after the vote when Mike started talking about what it meant for leasing.

Maybe there are some other implications that we are not aware of to this slow down. It all depends on how much slow down we are talking about. So can we be more precise? Or maybe it is a different motion altogether.

MR. SIKORSKI: That is my major concern with the voting. I don't know what slow down means, and if tidal fish chose to pass the motion, I don't even know what it means.

I feel like the department has done all this work, and maybe the process hasn't been perfect for everybody but I feel like people are getting the chance to add some input.

This may be one of those times, and the open houses, the department is reaching out, and now all of a sudden

everybody is telling the department, wait, everything you are doing is bad. We need more time, more time. Well, what is more time when all of this work has been done to make these things work?

MR. JACOBS: In a imprecise kind of world we are in at the moment, I think what the motions that have been passed by the tidal fish group, and we are attempting to pass here, is a sense -- not a precise schedule or a precise plan that we want the department to follow -- but we are offering a sense of how we want the department to proceed, and who we want them to work with.

And so to that end, I don't think we need to -- I think it is important to know what schedules are and deadlines are, but as far as this motion is concerned, I think we have conveyed the sense of both commissions to the secretary of the concern of the rough edges that may be here and how they need to be polished.

MR. GRACIE: In other words, if I can paraphrase, because I think Neil has made an important point. Slow down is not defined, but the steps that the department has been asked to go through is very clearly defined, and they are more elaborate, more detailed than the ones they plan to go through.

I think that is what the motion accomplishes. I think that is what the tidal fish commission wanted, and if

that is not clear to anyone, we will deal with it. Brian?

MR. KEEHN: The only thing I would like to add is I think we all want the objective. The concern for me, and what Greg is saying, is the fact that the sport fishing community -- tonight is the first night that they have been made aware of it.

It is not slow down -- I think it is more questioning the process than the objective, I think is the slow down part of it. To educate the sport fishing community, allow them input and let's move forward from there. And that has not happened.

That is the time that I think everybody -- same thing with the maps, as the watermen were saying. That is the time and input. It is not the objective. It is the process that is in question.

MR. GRACIE: Are there any other comments or discussion on the motion from the sport fish commissioners?

(No response)

MR. GRACIE: Anybody from the public want to comment? That is our policy before we vote on a motion.

Public Comments

MR. LONG: My name is George Long. I have been oystering since 1969. My nephew is in the crowd, he is 17 years old. Travis, stand up. That is the face of the future of the Maryland watermen. With these proposals, he has no

future. Just like everybody has said, this hasn't been thought out.

We are taking productive oyster bars and turning them into sanctuaries and leases. One thing that hasn't been brought up with this new lease law is the affordability of the seed. It is my understanding -- I am a lease holder. I have held a lease for 22 years. It is my understanding, under the new law, you have to plant one fourth of your lease.

Well, one fourth of my lease is seven and a half acres, at a density of one million per acre. That is going to cost me \$75,000 just to adhere to the lease law. That is one thing that has to be changed, the lease law.

I feel a waterman who has held a lease for 22 years should be grandfathered in to the terms of the old lease. Only new lease holders should be subject to these new lease laws. That is all I have to say.

MR. GRACIE: Thank you. Any other public comments?

(No response)

MR. GRACIE: I call the question then. All in favor of the motion, raise your hand.

(Show of hands)

MR. GRACIE: Count it, Marty.

MR. GARY: Eight in favor.

MR. GRACIE: Opposed?

(No response)

MR. GRACIE: Abstentions?

(Show of hands)

MR. GRACIE: One abstention. I am sorry, two. Seven for, and three abstentions. Thank you.

MR. BROOKS: One question. On behalf of the Tidal Fisheries Advisory Commission, can all the discussion that has been recorded here tonight and the testimony that has been received, can that be entered in on the comment record for this whole program?

MR. O'CONNELL: I am not sure if I understand what you are asking me.

MR. BROOKS: I would like it to be entered -- I would like to submit it as part of the official comment to be taken in, along with your --

MR. : He wants it to become part of the comments.

MR. O'CONNELL: Sure.

MR. GROSS: Jack, before we move on, a question was asked by Robert T. and I would like somebody from the -- Mike, to answer. The question was can anyone hold -- do they have to be a citizen of the United States to hold that lease? Could you answer that question?

MR. NAYLOR: I would have to re-read the lease law honestly. It says in the law that you have to be a citizen. I suspect we will have to go to the AG's office and figure out

what exactly that means. If that means citizen of the U.S., or -- I honestly don't know. It hasn't come up.

MR. O'CONNELL: We will find out and follow up with an e-mail to the commission.

MR. GROSS: Thank you.

MR. BROOKS: All right, legislation. Tom?

MR. O'CONNELL: Sure.

MR. BROOKS: You have 30 seconds, Tom.

MR. O'CONNELL: I will just comment on one thing. We hear a lot of concern about providing opportunity for public comment. There are three eight-hour open houses this month. I appreciate Larry, Jack, George, others that took the time to come to the last open house in Easton. Three eight-hour sessions, from 12:00 p.m. to 8:00 p.m. Hope we see you there.

Legislation

by Tom O'Connell

MR. O'CONNELL: Legislation, just a few things. The department has a bill, Senate Bill 29. It is the result of the recommendation of the Fisheries Task Force, which is to give the department greater authority to establish fisheries management plans.

Right now, in order for us to create a fishery management plan, it needs to be added to the list of species in law. So if an issue comes up during the summer, during the

year where we need an FMP to gain authority to manage a resource, we have to wait until the next legislative session, add another species to that bill and get it approved.

The Fisheries Task Force recommended this bill reflects the department would have the flexibility to establish a new FMP after consultation with both Tidal Fisheries and Sports Fisheries Advisory Commissions if the department determines that plans are necessary based upon a list of criteria: population of the species, the distribution of the species, the habitat needs and other biological, ecological and socioeconomic factors.

That is the one departmental bill that has been submitted.

MR. SIMNS: You want us to comment on it or wait until you get done?

MR. O'CONNELL: Either way. It would probably be easier to stop.

MR. SIMNS: My personal feeling is we have given the department way too much authority, too much power, and it has been abused. --- come up with, we all don't have any input. This committee, and the sport fishing committee, we are just advisors. This thing we just voted on, probably is going to get swept under the table.

The same thing with anything else they want to do. If we agree with it, they go to the legislature and say, oh,

sport fish advisory agrees with it, the tidal fish agrees with it. But if we don't agree with it, they never mention our names, that we disagreed with it.

So I am opposed to giving them any more power. In fact, I am hoping to get legislation to take some power away from them because they are abusing it.

They are doing this stuff in a way that they are not considering the people that they are regulating. So that is my statement on that. I don't know whether it does any good or not, but there it is.

MR. O'CONNELL: Larry, you were on the Fisheries Task Force that recommended this bill?

MR. SIMNS: Yes.

MR. O'CONNELL: All right, I will go to the next one. The other departmental bill is Senate Bill 84, and it is in regards to these two commissions. When we established the membership of these new commissions, several members of the Sport Fish Advisory Commission were concerned that we weren't getting full representation of the diversity of interest groups.

In that discussion with Secretary Griffin, there was commitment to pursue legislation that would add three additional members to the Sport Fisheries Advisory Commission. It also would establish staggered terms for both commissions, so rather than having large turnovers at one time, to stagger

the terms to maintain some continuity.

The additional three members is specific to the Sport Fish Advisory Commission at this time. There is nothing in the bill that would change the membership composition of the Tidal Fish Advisory Commission, but we anticipate there may be some desire to do that.

Jack was corresponding with us about adequate county representation, so if there is an interest, this would be a bill that could be amended to accommodate that.

Any comments on that one?

(No response)

MR. O'CONNELL: A couple other ones you may be interested in. Senate Bill 37, Senator Colburn submitted a bill that would limit the department's authority to regulate patent tong and power dredging, so my understanding of the intent of this bill is that any public oyster bar, the department would not be able to regulate power dredging or patent tongs, so any public bar could be power dredged or patent tongs.

MR. SIKORSKI: What is the number of that?

MR. O'CONNELL: Senate Bill 37. So every public oyster bar in Maryland's portion of the Chesapeake Bay could be patent tonged and power dredging. I would imagine there may be some hand tongers or divers that would be concerned with that.

Also as a departmental perspective, we are concerned about not having the authority to be able to react to situations for which we need to --

MR. GRACIE: Is there an intent behind that, that legislation would be used instead?

MR. O'CONNELL: Yes.

MR. GRACIE: So there would be a law that said you could do this or do that or not do that.

MR. O'CONNELL: My understanding is this law would remove the department's authority to regulate power dredging and patent tonging on oyster and clam bottom.

MR. GRACIE: What I am saying is does that imply that no regulations could exist? It might imply that the General Assembly will say this is what you can do on this bar.

MR. O'CONNELL: We would still be able to regulate by seasons, but not by these --

MR. : But not by methods.

MR. WHITE: Tom, I have got a comment. I don't think that is what that bill -- I think that bill was put in so the department couldn't stop you -- the bars that are being dredged or patent tong now, so the department can't stop them from what they want to do. That is what my understanding of that bill was.

That would leave the things the way they are as far as if it is dredge bottom, it is dredge bottom. If it patent

tong bottom, if it is hand tong bottom, it would be left just like it is now. That is what my understanding of that bill was.

MR. SIMNS: That bill came probably from some statement you made at the oyster advisory committee about you have to look at patent tonging, dredging, what damage it does. That is where that bill comes from.

MR. O'CONNELL: If that was the intent, that is not the implication. The implication as the bill is currently written, that the department would not be able to regulate the use of patent tong and power dredging on any public bar.

MR. WHITE: I don't remember seeing on any public bar.

MR. O'CONNELL: I can give you a copy. If you need a copy. If I can share that with him.

We worked the Department of Legislative Services on this, and that is our understanding of the implications of this --

MR. : Could that be amended?

MR. SIMNS: We could amend it in the legislature, yes. The intent of it was you couldn't take away the use of gear that you already use. That was the intent of it.

MR. O'CONNELL: That is pretty much it at this time. There will be the sport fish license fee bill that the administration hasn't released yet, for which we will let you

know how that looks like once it is released.

There are some issues regarding how it is going to play out regarding a coastal, a separate coastal license or a combined bay coastal license. There is a shoreline property issue, and then the boat decal. Those are the three issues that are being --

MR. GRACIE: Does it or does it not address sunset of Senate Bill 1012?

MR. O'CONNELL: It does address the sunset.

MR. GRACIE: It does. So you are making that a department bill.

MR. O'CONNELL: Yes.

MR. GRACIE: You know that is against our advice.

MR. O'CONNELL: Yes.

MR. SIMNS: Did you read this bill?

MR. O'CONNELL: Yes.

MR. SIMNS: Because what it says to me, it says, notwithstanding the --- , the department may not prohibit the use of patent tongs or power dredging to catch oysters in the waters of the state.

MR. O'CONNELL: Yes.

MR. SIMNS: That was the intent. They didn't want you to be able to take that away from us.

MR. GRACIE: No, that says they can't prohibit it anywhere, what you just read to me, Larry. Exactly what Tom

says.

MR. SIMNS: It says the department may not prohibit the use of patent tongs or power dredges to catch oysters in the state. Which means you can't stop us from using --- .

MR. GRACIE: It means you can't stop them from using it anywhere, in any waters of the state. That means you can use it anywhere. That is exactly what Tom said.

MR. SIMNS: That isn't what it was meant --

(Simultaneous discussion)

MR. BROOKS: Any other questions for Tom?

(No response)

MR. BROOKS: Okay, we are running a little bit behind. Marty, I think you are wrapping things up.

Update on Status of Striped Bass Catch and Release/ Planer Boards/

Crab Pot Buoy Colors

by Marty Gary

MR. GARY: We are really out of time, but I just want to simply say that the next meetings for the commissions are going to be on Monday, February 8, Tidal Fishery Commission will meet. And it is on the schedule, on the Website. If you don't have Web access, make a note of it now. And then the Sport Fish commission will meet on the following night, Tuesday, the 9th. There will be a bass roundtable that day. That is why we put the sport fish commission on that particular day.

I just want to mention with respect to those three categories that we are going to talk about, we will update you on crab pot buoy colors, planer boards, and preseason striped bass catch and release.

We are starting to take all that information and feedback to the commissions and develop some Web-based outreach education products. Some of that stuff is applicable to print.

MR. GRACIE: Could we have one conversation at a time, please?

MR. GARY: We are going to work with Bob Barnett's group with respect to crab pot buoys, and the planar boards especially on --- broader boating issues. So we are going to work with his customers to get the general boating committee up to speed.

But I guess the message to the commissions is it would be our preference if some of the commissioners -- you can e-mail me, call me, whatever you want to do -- I will send my own e-mail out to solicit the volunteers. But I would like to have some feedback prior to that meeting on both the 8th and the 9th so we can get some --

MR. WHITE: The meeting is here again?

MR. GARY: No, the meetings for the 8th and the 9th are going to be at the Tawes Building, C1.

MR. GRACIE: I am confused now. You threw 3 issues

out there. You are asking for participants in the discussion of all three issues?

MR. GARY: Yes. And tidal fish probably lends itself least to the preseason striped bass catch and release but we do have folks from the --- , coast guard authorization --- , so --

MR. GRACIE: You don't want to use the workgroups that we set up on the planar board? Because Jack and I each had two commission members to work on that.

MR. GARY: Well, we could certainly go ahead and integrate them as well. I was just making the overture to get feedback.

MR. KEEHN: Marty, what is a bass roundtable?

MR. GARY: It is the --- black bass. Small mouth and large mouth bass. That is why sport fisheries are meeting on Tuesday, because they are meeting right before that --- .

So that is all I have to say. I will send an e-mail out. I will also send it out to the groups that Tim just mentioned to solicit for their input. So we can bring something to you that you guys can review.

The only thing I want to add before Jack officially adjourns us is that we did have a couple proxies. Greg Jetton is sitting in for Ed O'Brien, who is sick. Dave Smith is sitting in for -- Dave still with us?

MR. : He left.

MR. GARY: Dave is sitting in for Bill Windley, who is in -- Jim, is he in the hospital? Is that what you said?

MR. GRACIE: I don't know if he came out today or not. He was in the hospital yesterday.

MR. GARY: Well, keep Bill in your thoughts if you don't mind. We have also -- Chuck is sitting in for Andrea Jacquette.

And then one other thing that is really important. We had mentioned this to you shortly after the commissions were formed. According to the bylaws, the operational guidelines, each commissioner is afforded the opportunity to have a designated proxy. About half of the commissioners have responded to me with designated proxies. I guess you don't have to, but what we would like to do is bring some finality to that.

So I am going to send out an e-mail asking you to finally designate the proxy, whoever it might be. We would like to list them up on the Website, so everybody knows in the public.

Also, one other thing with respect to the Website, also early on in the process, we had sent out a request for your own bio and a photo of yourself. You are laughing, Russell, but we think it is important. You are ambassadors to your communities, so we really, sincerely mean it. We would like people to be able to reach out to you and allow us to

facilitate that.

So if people ask us, we can certainly address their questions and inquiries. We also want to refer them back to you, so we want them to know exactly who you are and who you represent.

So -- and we can help you write that if you are not a creative writer or whatnot. I would also like to wrap that up and have that stuff, all that information put together by the next time we meet. So if we can get an image -- if you don't have any photos, bring a hard-copy photo to the next meeting. I will scan it. Or if you don't have any photos, we will just take one at the next meeting. Some way or another people are going to know who you are.

MR. LYNCH: Marty, I would just like to take the opportunity to --- . Dave, if you would stand up? Dave is my proxy. I am sure you will see him from time to time.

MR. GARY: Jack, that is about all, I think. One last thing. Bill Goldsborough, Chesapeake Bay Foundation, thank you so much for letting us use your facility.

MR. SIKORSKI: There are two expense sheets here tonight?

MR. GARY: I think there is just one unless somebody was missing one. You should have your November payment hopefully in the next week or so. We will let you know where that is.

MR. BROOKS: Okay. A few minutes for public comment?

(No response)

MR. BROOKS: Hearing none, we are adjourned.

(Whereupon, the meeting adjourned at 9:07 p.m.)